

EXHIBIT 3

Exhibit A-1**Invalidity of U.S. Patent No. 10,034,496****Page 1 of 42****Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art**

Upon information and belief, Andrew Christian products featuring “Show-It” Technology (on sale in the United States at least as early as March 6, 2009) (“Andrew Christian Show-It Underwear”) either expressly, implicitly, or inherently anticipate the asserted claims of U.S. Patent No. 10,034,496 under 35 U.S.C. § 102 and/or render those claims obvious under 35 U.S.C. § 103 alternatively in view of U.S. Patent 7,631,369 (issued Dec. 15, 2009; published as US 2007/0220660 on Sept. 27, 2007) (the “369 Patent”), International Publication No. WO 98/39981 (published Sept. 17, 1998) (“WO 98/39981”), U.S. Publication No. 2007/0277285 (published Dec. 6, 2007) (the “285 Publication”), European Patent Application No. EP 0 476 818 (published March 25, 1992) (“EP 0 476 818”), and/or U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) as set forth in the chart below.

The following contentions are subject to revision and amendment pursuant to Federal Rule of Civil Procedure 26(e) and the Court Orders in this matter subject to further investigation and discovery regarding the references.


| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[1.pre] 1. A male garment comprising:</p> | <p>The Andrew Christian Show-It Underwear is a male garment. <i>See, e.g.,</i></p>  <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

Exhibit A-1**Invalidity of U.S. Patent No. 10,034,496****Page 2 of 42****Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art**


| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| |  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>“The line consists of boxer-briefs, briefs, jocks and swimwear.” “Underwear of the Week 0 Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |
| <p>[1.1] a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;</p> | <p>The Andrew Christian Show-It Underwear includes a body including a front portion and having leg openings for a wearer's legs. <i>See, e.g.,</i></p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

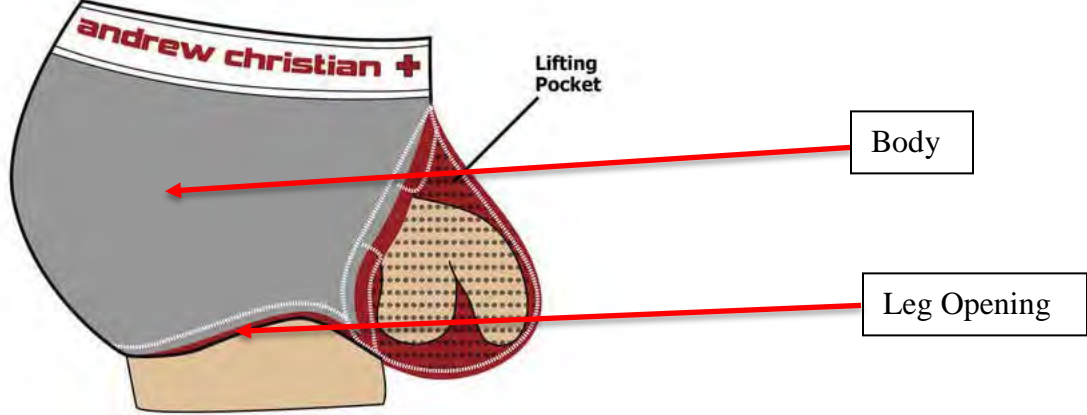

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The diagram shows a pair of men's underwear with a grey body and a red mesh lifting pocket. A red arrow points from the 'Body' label to the main body of the underwear. Another red arrow points from the 'Leg Opening' label to the leg opening of the mesh pocket. The waistband features the 'andrew christian' logo and a small red cross symbol. A label 'Lifting Pocket' points to the mesh area.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>The smaller diagram shows the same pair of underwear from a different angle, highlighting the lifting pocket and leg opening. It includes the same 'andrew christian' logo and 'Lifting Pocket' label.</p> <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="531 282 1247 758">  </div> <p data-bbox="520 781 1837 883">“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p data-bbox="520 927 1852 1036">The Andrew Christian Show-It Underwear includes a body including a crotch panel (hidden in currently available images) extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="541 305 1138 717" data-label="Image"> <p>A diagram of a pair of men's underwear, specifically a brief, shown from a side-rear perspective. The waistband is white with the text "andrew christian" in red and a small red cross logo. The main body of the underwear is grey. A red, textured, teardrop-shaped area is shown on the right side, labeled "Lifting Pocket" with a line pointing to it. This pocket is designed to provide support and lift to the male genitalia.</p> </div> <p data-bbox="525 750 1470 782">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <div data-bbox="541 831 861 1055" data-label="Image"> <p>A smaller version of the diagram above, showing the same side-rear view of the Andrew Christian Show-It underwear with the red lifting pocket highlighted and labeled.</p> </div> <p data-bbox="525 1144 1837 1250">“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p data-bbox="525 1291 1890 1395">To the extent Plaintiffs contend the Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose a crotch panel extending between the leg openings and joined to the front portion along a first seam, one of ordinary skill in the art would, based on one’s knowledge and the Andrew Christian</p> |

Exhibit A-1**Invalidity of U.S. Patent No. 10,034,496****Page 6 of 42****Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art**

| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>Show-It Underwear, understand how to modify the Andrew Christian Show-It Underwear to meet this limitation. Alternatively, one of ordinary skill could modify the Andrew Christian Show-It Underwear in view of one or more prior art references to meet this limitation.</p> <p>The '369 Patent discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>“The stability anchor 18 connects the groin portion 14 to the back portion 16 by extending from the groin portion 14 to the back portion 16 while laterally following the contour of the inner thigh portions of the leg portions 20 and being connected to the leg portions 20.” (3:20-24)</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="531 334 1297 980"> <p>FIG. 1</p> </div> <p>Furthermore, '285 Publication discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>“[0028] FIG. 7 shows is a frontal perspective view of a second, alternative embodiment of the multipurpose undergarment in accordance with the invention. In this embodiment, the undergarment shown generally at 70 again includes front leg portions 71 and 72 with corresponding leg openings 78a and 78b and includes a conventional front opening (fly) 73 secured by stitching to the front panel as shown at 75.”</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

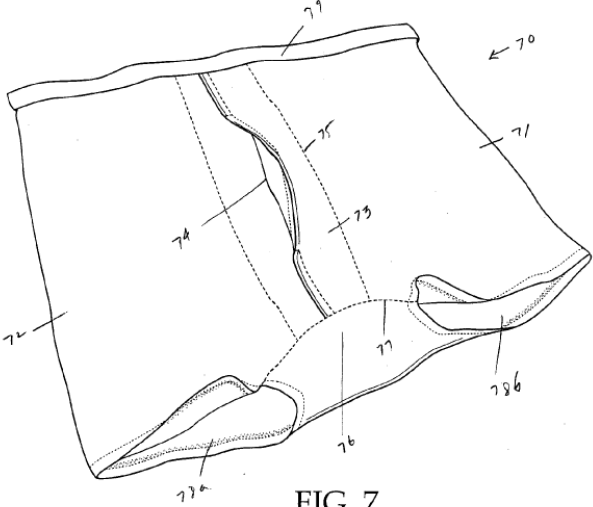
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“[0029] Not unlike the embodiment depicted in FIG. 1, the top edge of the pouch as shown in FIG. 7 can be secured to the interior of the undergarment along the elastic waste band (shown generally at 79). The bottom edge can likewise be secured along the bottom portion 76 of the undergarment as shown along line 77.”</p>  <p style="text-align: center;">FIG. 7</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

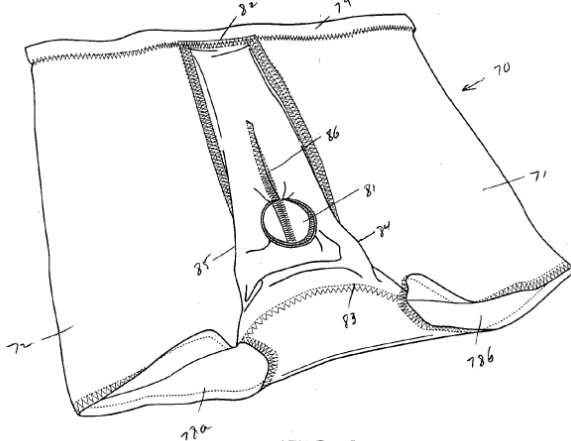
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| |  <p data-bbox="819 722 903 755">FIG. 8</p> <p data-bbox="520 795 1827 868">During prosecution of U.S. Pat. No. 9,687,030, the Applicant did not dispute that the '285 Publication meets this element. (See Amendment, July 8, 2014, pages 6-7.)</p> |
| <p>[1.2] a waistband attached by a waistband seam at an upper edge of the body;</p> | <p>The Andrew Christian Show-It Underwear includes a waistband attached by a waistband seam at an upper edge of the body. <i>See, e.g.,</i></p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

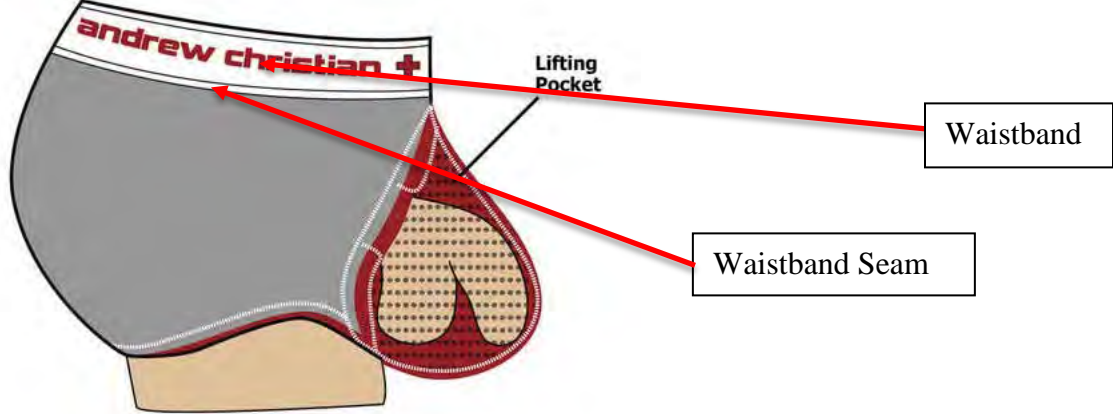

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="525 748 1472 784">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p data-bbox="525 1146 1835 1252">“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |

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| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="525 781 1835 883">“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| |  <p data-bbox="525 885 1858 954">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> |
| <p data-bbox="121 998 493 1386">[1.3] a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side</p> | <p data-bbox="525 998 1848 1063">The Andrew Christian Show-It Underwear includes a stretch panel attached to the body inside the front portion. <i>See, e.g.,</i></p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;</p> | <div data-bbox="541 305 1675 717"> <p>The diagram shows a pair of men's underwear with a grey front panel and a red elastic waistband featuring the 'andrew christian' logo and a red cross. A red dashed line outlines a 'Lifting Pocket' on the side of the front panel. A red arrow points from a box labeled 'Stretch panel' to the elastic waistband. Another red arrow points from the same box to the lifting pocket area.</p> </div> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <div data-bbox="541 831 865 1058"> <p>A smaller version of the underwear diagram, showing the 'Lifting Pocket' and the 'andrew christian' logo on the waistband.</p> </div> <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

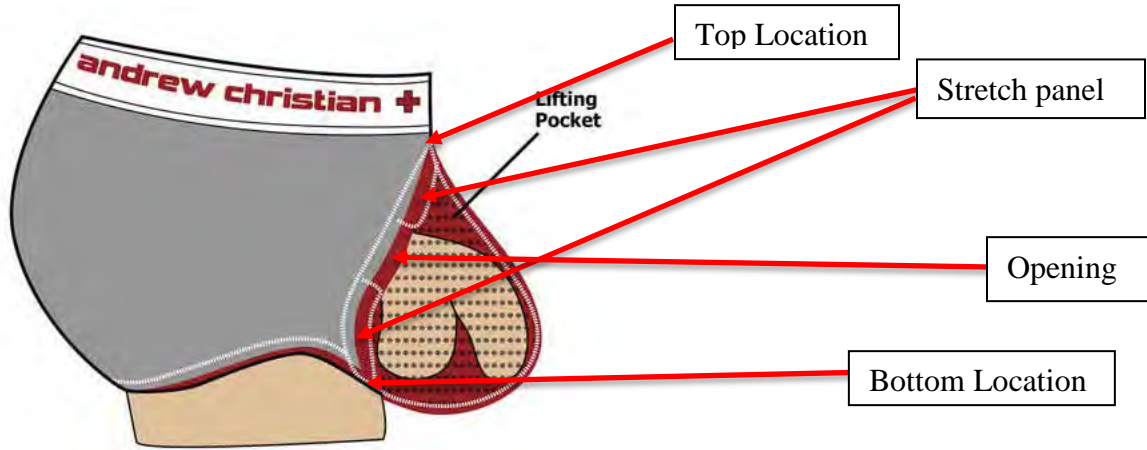
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>The Andrew Christian Show-It Underwear includes a stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p>  <p>The diagram illustrates a pair of men's underwear with a prominent stretch panel in the front. Red arrows point from labels to specific features: 'Top Location' points to the top edge of the stretch panel; 'Stretch panel' points to the central elasticized area; 'Opening' points to the central opening within the stretch panel; 'Bottom Location' points to the bottom edge of the stretch panel; and 'Lifting Pocket' points to a specific feature within the stretch panel. The underwear is shown on a tan-colored male torso. The brand name 'andrew christian' is visible on the waistband.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="520 638 1835 743">“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p>  <div data-bbox="1318 841 1545 899" style="border: 1px solid black; padding: 2px;">Side Seam</div> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p data-bbox="525 280 1858 349">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  <p data-bbox="525 621 1858 690">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  <p data-bbox="525 1230 1837 1339">“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

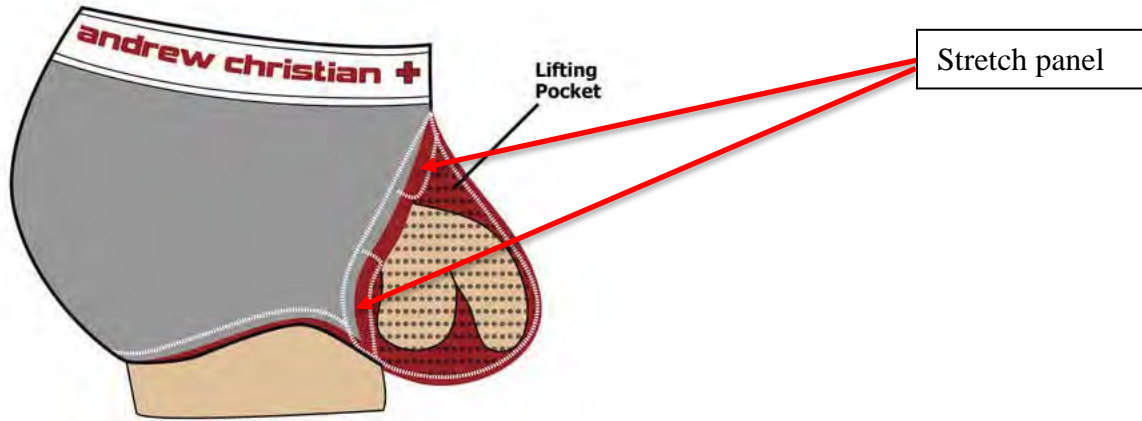
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>To the extent Plaintiffs contend the Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion, one of ordinary skill in the art would, based on one’s knowledge and the Andrew Christian Show-It Underwear, understand how to modify the Andrew Christian Show-It Underwear to meet this limitation.</p> <p>The Andrew Christian Show-It Underwear includes the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p>  <p>The diagram illustrates a pair of men's underwear, specifically a brief, with a grey outer layer and a red inner lining. A white waistband features the brand name 'andrew christian' in red lowercase letters followed by a red cross symbol. A red, horseshoe-shaped inner cup is visible, which is lined with a pattern of small red dots representing elastic material. A black arrow points to a specific area within this cup, labeled 'Lifting Pocket'. Two red arrows originate from a rectangular box labeled 'Stretch panel' and point to the red elastic lining of the inner cup, indicating its location and function.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| |  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |
| <p>[1.4] the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, the stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from</p> | <p>The Andrew Christian Show-It Underwear includes a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn.</p> | <div data-bbox="541 305 1675 717" data-label="Image"> <p>A side-view diagram of a pair of men's underwear. The waistband is white with 'andrew christian' and a red cross logo. The main body is grey. A red, textured 'Stretch panel' is located on the side, and a 'Lifting Pocket' is shown as a red, textured area within the side seam. Red arrows point from the labels to the corresponding parts of the garment.</p> </div> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <div data-bbox="541 831 865 1058" data-label="Image"> <p>A side-view diagram of a pair of men's underwear, similar to the one above, but with a different side panel design. It features a 'Lifting Pocket' and a red, textured area. A label 'Lifting Pocket' with an arrow points to the pocket area.</p> </div> <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>The Andrew Christian Show-It Underwear includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams. <i>See, e.g.,</i></p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

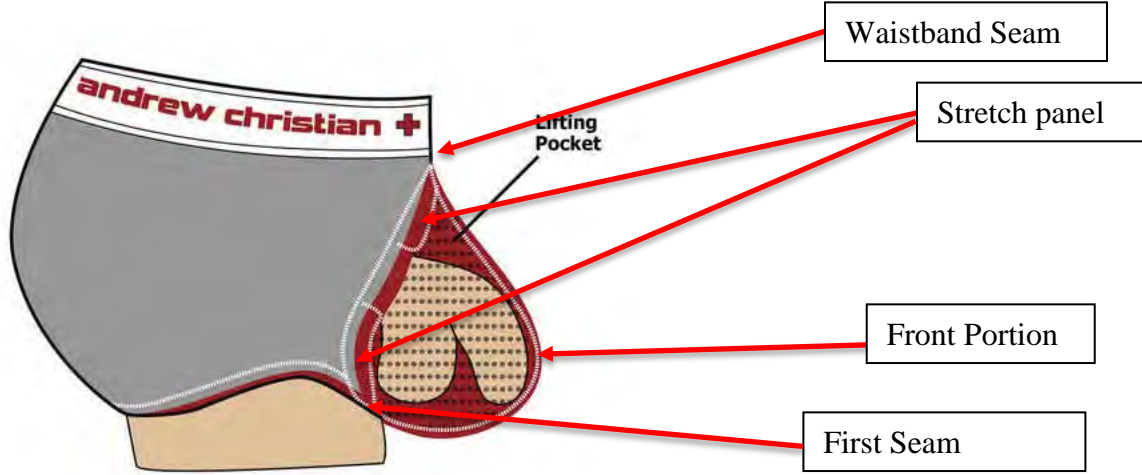

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p>  <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  |

Exhibit A-1**Invalidity of U.S. Patent No. 10,034,496****Page 21 of 42****Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art**

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>The front portion of the Andrew Christian Show-It Underwear defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer’s genitals.</p> <p>To the extent Plaintiffs contend the Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn, one of ordinary skill in the art would, based on one’s knowledge and the Andrew Christian Show-It Underwear, understand how to modify Andrew Christian Show-It Underwear to meet this limitation.</p> <p>Alternatively, one of ordinary could modify the Andrew Christian Show-It Underwear in view of one or more prior art references to meet this limitation:</p> <p>For example, EP O 476 818 teaches a method of gathering from side-to-side and top-to-bottom by an elastic fabric. <i>See, e.g.,</i></p> <p>“The garment now has a waist opening 31 and in accordance with the present invention, an elasticated band 32 is secured in face to face contact to a marginal portion 33 of the garment surrounding the waist opening 31. The band 32 is secured to the garment whilst in a tensioned condition (i.e. stretched condition) so that on relaxation, the fabric of the marginal portion 33 is ruched thereby enabling the band to stretch when the garment is being worn.” (4:4-12)</p> |

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| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>“The operative inserts the garment over the band, drops the presser foot 56, sews a pre-set number of stitches, typically two or three, after which the roller 59 drops automatically, and the metering device 62 automatically reverses to apply the pre-programmed tension to the band so that the ruched effect can be achieved.” (6:47-53)</p> |

| Claim 2 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[2] A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.</p> | <p>See above regarding claim 1.</p> <p>The Andrew Christian Show-It Underwear is a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>“The Show-It design has a hidden “comfy cup” that gently lifts your package giving it a more pronounced appearance.” “Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

Exhibit A-1**Invalidity of U.S. Patent No. 10,034,496****Page 23 of 42****Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art**

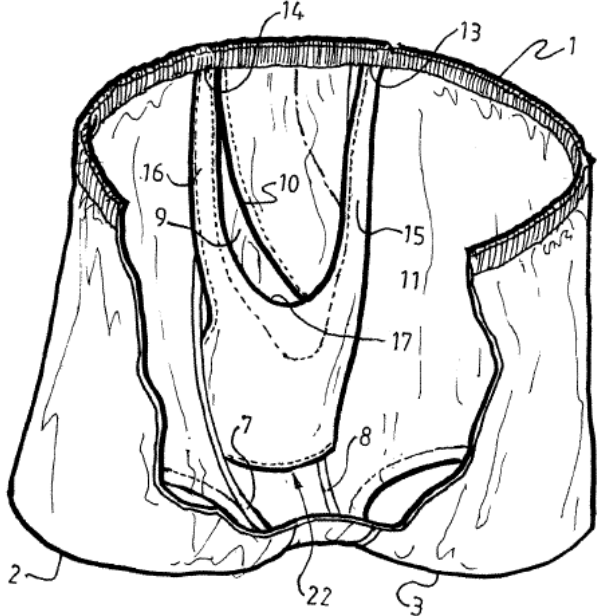
| Claim 2 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>To the extent Plaintiffs contend Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one’s knowledge and the Andrew Christian Show-It Underwear, understand how to modify the Andrew Christian Show-It Underwear to meet this limitation. Alternatively, one of ordinary skill could modify the Andrew Christian Show-It Underwear in view of one or more prior art references to meet this limitation.</p> <p>The ’369 Patent discloses asymmetrical stretch characteristics of a fabric such that it stretches more easily in one direction and less easily in a direction at right angles to the first direction. <i>See, e.g.,</i></p> <p>“With reference to FIG. 3, the warp knit is generally known in the art for having strands 26 running substantially parallel along a direction 27 of the fabric. Lateral threads 28 running substantially perpendicular to the strands 26 and in a direction 29 encircle sets of two strands 26 at once. Each adjacent lateral thread 28 encircles one of the two strands 26 in the first set and one of the two strands 26 from the second set. This pattern is repeated throughout. The warp knit, by virtue of having parallel strands 26 along the direction 27 of the fabric, is resistant to stretch in the direction 27 when compared to other knitted fabrics, which may undesirably stretch. Thus, the warp knit fabric stretches less along the direction 27 than along the direction 29.” (2:40-52)</p> <p>“The warp knit fabric used to form the groin portion 14 can stretch a relatively greater amount in the horizontal direction, roughly parallel to the waistband, than in the vertical direction. The ability to stretch in the horizontal direction allows for the accommodation of different sizes and shapes of male genitals. The groin portion stretches in the horizontal direction to accommodate the genitals of the supporter user while maintaining slight pressure on the genitals in the horizontal direction, thus aiding the cupping and compression functions of the supporter 10.” (3:1-10)</p> |

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| Claim 3 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[3] A garment according to claim 1 wherein the stretch panel is rectangular and the opening is U-shaped.</p> | <p>See above regarding claim 1.</p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>To the extent Plaintiffs contend that the Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose a rectangular stretch panel, one of ordinary skill in the art would, based on one’s knowledge and the Andrew Christian Show-It Underwear, understand how to modify the Andrew Christian Show-It Underwear to meet this limitation. Alternatively, one of ordinary skill could modify the Andrew Christian Show-It Underwear in view of one or more prior art references to meet this limitation.</p> <p>WO 98/39981 discloses a garment wherein the stretch panel has a rectangular shape and the opening is U-shaped.</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

| Claim 3 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p style="text-align: right;">FIG. 4</p> |

| Claim 4 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[4] A garment according to claim 3 wherein the stretch panel comprises a fabric having a stretch of at least 30%.</p> | <p>See above regarding claim 3.</p> <p>The Andrew Christian Show-It Underwear includes a stretch panel comprising a fabric having a stretch of at least 30%. <i>See, e.g.,</i></p> |

Exhibit A-1**Invalidity of U.S. Patent No. 10,034,496****Page 26 of 42****Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art**

| Claim 4 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>“Features: 90% Cotton, 10% Spandex.” “Andrew Christians New League Brief with Show-It Technology for Maximum Frontal Enhancement,” https://www.underwearnewsbriefs.com/2009/12/andrew-christians-new-league-brief-with-show-it-technology-for-maximum-frontal-enhancement/ (December 20, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>To the extent Plaintiffs contend Andrew Christian Show It Underwear does not expressly, implicitly, or inherently disclose the stretch panel comprising a fabric having a stretch of at least 30%, one of ordinary skill in the art would, based on one’s knowledge and Andrew Christian Show It Underwear, understand how to modify the Andrew Christian Show It Underwear to meet this limitation. Alternatively, one of ordinary skill could modify the ’218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The ’571 Patent discloses the stretch panel comprising a fabric having a stretch of at least 30%. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[5] A garment according to claim 1 wherein the top location is the waistband seam and the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%.</p> | <p>See above regarding claim 1.</p> <p>The Andrew Christian Show-It Underwear is a garment where the top location is the waistband seam and the bottom location is the first seam. <i>See, e.g.,</i></p>  <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art


| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p data-bbox="527 280 1856 347">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  <p data-bbox="527 889 1835 997">“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art



| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The diagram shows a pair of men's underwear with a grey front panel and a red waistband. A red dashed line outlines a 'Lifting Pocket' on the front panel. Two red arrows point from text boxes to the diagram: one points to the top of the lifting pocket with the text 'Top location is the waistband seam', and the other points to the bottom of the lifting pocket with the text 'Bottom location is the first seam'.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>The smaller diagram shows the same underwear from a different angle, highlighting the 'Lifting Pocket'.</p> <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>In the Andrew Christian Show-It Underwear, the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%. <i>See, e.g.,</i></p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art



| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="520 787 1474 820">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p data-bbox="520 1177 1837 1291">“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p data-bbox="520 1323 1890 1388">“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this</p> |

Exhibit A-1**Invalidity of U.S. Patent No. 10,034,496****Page 31 of 42****Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art**

| Claim 5 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>To the extent Plaintiffs contend the Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one’s knowledge and the Andrew Christian Show-It Underwear, understand how to modify the Andrew Christian Show-It Underwear to meet this limitation.</p> |

| Claim 6 | Exemplary Disclosure in Prior Art |
|---|--|
| [6] A garment according to claim 1 wherein the garment is a pair of undershorts. | <p>See above regarding claim 1.</p> <p>The Andrew Christian Show-It Underwear is a pair of undershorts. <i>See, e.g.,</i></p> <p>“The line consists of boxer-briefs, briefs, jocks and swimwear.” “Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="520 885 1858 954">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  <p data-bbox="520 1226 1858 1295">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> |

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| Claim 7 | Exemplary Disclosure in Prior Art |
|--|---|
| [7] A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body. | <p>See above regarding claim 1.</p> <p>The Andrew Christian Show-It Underwear includes a stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>To the extent Plaintiffs contend the Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one’s knowledge and the Andrew Christian Show-It Underwear, understand how to modify the disclosure of the Andrew Christian Show-It Underwear to meet this limitation.</p> |

| Claim 8 | Exemplary Disclosure in Prior Art |
|---|---|
| [8] A garment according to claim 1 wherein the opening has a width in excess of 2 cm. | <p>See above regarding claim 1.</p> <p>The Andrew Christian Show-It Underwear includes an opening with a width in excess of 2 cm. <i>See, e.g.,</i></p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

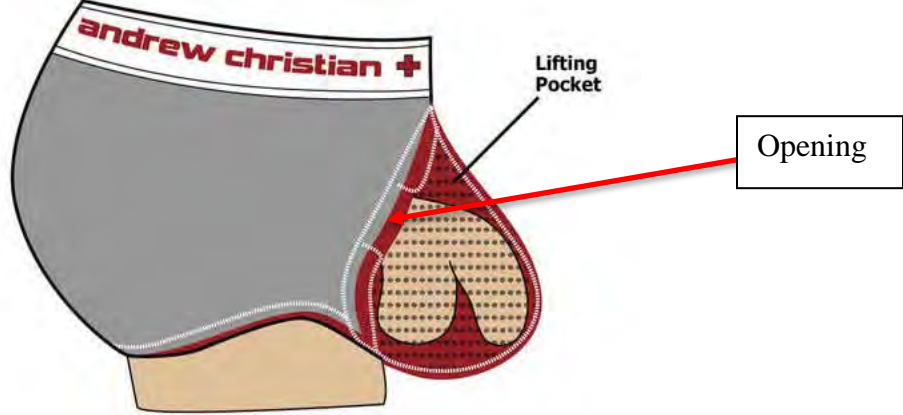

| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="520 750 1474 782">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p data-bbox="520 1144 1837 1253">“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p data-bbox="520 1291 1810 1356">“The Show-It design has a hidden “comfy cup” that gently lifts your package giving it a bigger more pronounced appearance. When I first saw the way these undies were constructed, I was a little</p> |

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| Claim 8 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>apprehensive about the elastic being uncomfortable under my package; but as soon as I slipped them on, the elastic on the “comfy cup” wasn’t even noticeable.”</p> <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009) (emphasis added).</p> |

| Claim 9 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[9] A garment according to claim 1 wherein: the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.</p> | <p>See above regarding claim 1.</p> <p>The Andrew Christian Show-It Underwear includes a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p> <p>“The pouch” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

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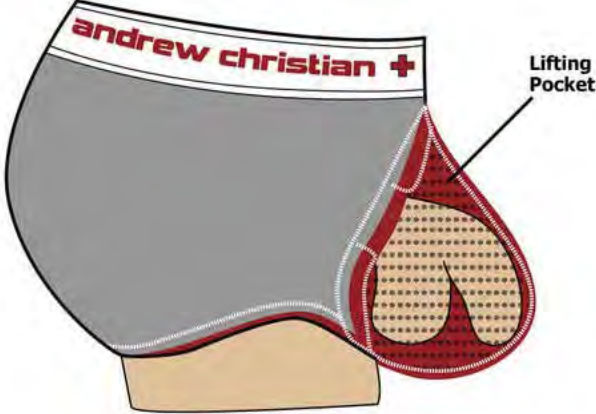

| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="520 748 1472 781">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p data-bbox="520 1146 1835 1252">“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p data-bbox="520 1292 1887 1395">“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  |

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| Claim 9 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> <p>To the extent Plaintiffs contend the Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose a stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch, one of ordinary skill in the art would, based on one's knowledge and the Andrew Christian Show-It Underwear, understand how to modify the Andrew Christian Show-It Underwear to meet this limitation.</p> |

| Claim 10 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend.</p> | <p>See above regarding claim 1.</p> <p>The Andrew Christian Show-It Underwear discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>“Features: 90% Cotton, 10% Spandex.” “Andrew Christians New League Brief with Show-It Technology for Maximum Frontal Enhancement,” https://www.underwearnewsbriefs.com/2009/12/andrew-christians-new-league-brief-with-show-it-technology-for-maximum-frontal-enhancement/ (December 20, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian's</p> |

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| Claim 10 | Exemplary Disclosure in Prior Art |
|-----------------|---|
| | Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009. |

| Claim 13 | Exemplary Disclosure in Prior Art |
|--|--|
| [13] A garment according to claim 1 wherein the opening has a U-shape when the stretch panel is in a relaxed state. | See above regarding claim 1. “The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009). |

| Claim 14 | Exemplary Disclosure in Prior Art |
|---|---|
| [14] A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric. | See above regarding claim 1. The Andrew Christian Show-It Underwear’s stretch panel is formed from a single unitary piece of woven fabric. <i>See, e.g.,</i> “It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009. To the extent Plaintiffs contend the Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose a stretch panel formed from a single unitary piece of woven fabric, one of ordinary |

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| Claim 14 | Exemplary Disclosure in Prior Art |
|-----------------|---|
| | skill in the art would, based on one’s knowledge and the Andrew Christian Show-It Underwear, understand how to modify the Andrew Christian Show-It Underwear to meet this limitation. |

| Claim 15 | Exemplary Disclosure in Prior Art |
|--|---|
| [15] A garment according to claim 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. | <p>See above regarding claim 1.</p> <p>The Andrew Christian Show-It Underwear includes a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p>  <p>“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art


| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|---|
| |  <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> <p>To the extent Plaintiffs contend the Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer, one of ordinary skill in the art would, based on one’s knowledge and the Andrew Christian Show-It Underwear, understand how to modify the Andrew Christian Show-It Underwear to meet this limitation. Alternatively, one of ordinary skill could modify the Andrew Christian Show-It Underwear in view of one or more prior art references.</p> <p>Furthermore, the ’571 Patent discloses the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p> <p>“Thus, in embodiments where pouch compartment 18 has at least two layers of material (an inner layer 18' and an outer layer 18"), seam 18a is formed along the medial plane B (orthogonal to plane A containing where seams 20 run along front walls 26) in the outer layer of material 18", and inner liner 18' is positioned behind outer layer 18" so as to be adjacent the genitalia. In a preferred embodiment, inner liner 18' does not have a seam in contact with phallus 16, and preferably not in contact with the head 16a of the phallus. Rather, the front of inner liner 18' is one continuous soft, light piece of the above mentioned elasticized mesh material extending continuously from and between its laterally opposite seams 26a. Thus the apex point, generally indicated at 18b, of the portion of the pear-shaped pouch 18 containing the head 16a of the penis, does not have vertical or other seam closely adjacent to irritate the head 16a. As seen in FIG. 9, inner liner 18' has at its rearmost end, that is, adjacent perineum 24, a pair of divergent tails which</p> |

Exhibit A-1**Invalidity of U.S. Patent No. 10,034,496****Page 42 of 42****Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) or Obviousness in View of Other Prior Art**

| Claim 15 | Exemplary Disclosure in Prior Art |
|-----------------|--|
| | when joined along seam 18b' form a shelf-like tableau or plateau 18a' cradling the underside of scrotum 14. Forward of tableau 18a' inner liner 18' is seamless so as to not irritate head 16a of phallus 16 when resting naturally at apex point 18b. Thus it will be seen also that one advantage of using a boxer-style 60 brief is that the boxer-style provides improved room in the front for forming the pouch compartment, as compared to more constrictive styles of brief which pull relatively tightly in over the genitals.” (4:38-63) |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 1 of 39****Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art**

Upon information and belief, Andrew Christian products featuring “Show-It” Technology (on sale in the United States at least as early as March 6, 2009) (“Andrew Christian Show-It Underwear”) either expressly, implicitly, or inherently anticipate the asserted claims of U.S. Patent No. 9,687,030 under 35 U.S.C. § 102 and/or render those claims obvious under 35 U.S.C. § 103 alternatively in view of U.S. Patent 7,631,369 (issued Dec. 15, 2009; published as US 2007/0220660 on Sept. 27, 2007) (the “‘369 Patent”), U.S. Publication No. 2007/0277285 (published Dec. 6, 2007) (the “‘285 Publication”), European Patent Application No. EP 0 476 818 (published March 25, 1992) (“EP 0 476 818”), and/or U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“‘571 Patent”) as set forth in the chart below.

The following contentions are subject to revision and amendment pursuant to Federal Rule of Civil Procedure 26(e) and the Court Orders in this matter subject to further investigation and discovery regarding the references.


| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[1.pre] 1. A male garment comprising:</p> | <p>The Andrew Christian Show-It Underwear is a male garment. <i>See, e.g.,</i></p>  <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 2 of 39**

Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| |  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>“The line consists of boxer-briefs, briefs, jocks and swimwear.” “Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |
| <p>[1.1] a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;</p> | <p>The Andrew Christian Show-It Underwear includes a body including a front portion and having leg openings for a wearer's legs. <i>See, e.g.,</i></p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 3 of 39**

Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

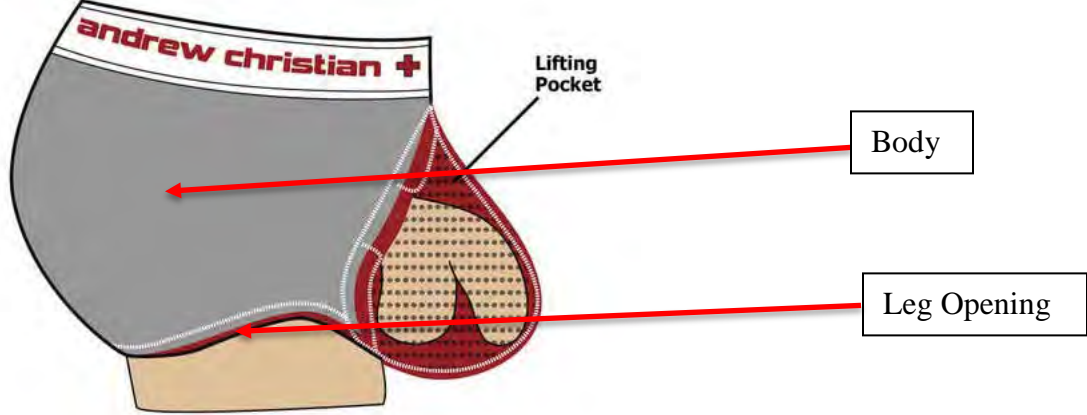

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>The diagram shows a pair of grey briefs with a white waistband that reads "andrew christian +". A red, textured "Lifting Pocket" is visible on the right side. Red arrows point from labels "Body" and "Leg Opening" to the main body and the leg opening of the lifting pocket, respectively.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>A smaller version of the same underwear diagram, also showing the "Lifting Pocket" and "andrew christian +" waistband.</p> <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 4 of 39**

Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="531 282 1247 760">  </div> <p data-bbox="520 781 1835 886">“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p data-bbox="520 927 1850 1036">The Andrew Christian Show-It Underwear includes a body including a crotch panel (hidden in currently available images) extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 5 of 39**

Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="541 305 1138 717" data-label="Image"> <p>A diagram of a pair of men's underwear, specifically briefs, with a grey body and a red waistband. The waistband features the text "andrew christian" in red and a small red cross logo. A red, textured, teardrop-shaped area is shown on the right side of the crotch, labeled "Lifting Pocket" with a line pointing to it. The underwear is shown on a tan-colored male torso.</p> </div> <p data-bbox="525 750 1470 782">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <div data-bbox="541 831 861 1058" data-label="Image"> <p>A smaller version of the diagram above, showing the same pair of men's underwear with the "Lifting Pocket" label and line.</p> </div> <p data-bbox="525 1144 1837 1253">“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p data-bbox="525 1291 1890 1395">To the extent Plaintiffs contend the Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose a crotch panel extending between the leg openings and joined to the front portion along a first seam, one of ordinary skill in the art would, based on one’s knowledge and the Andrew Christian</p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 6 of 39**

Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>Show-It Underwear, understand how to modify the Andrew Christian Show-It Underwear to meet this limitation. Alternatively, one of ordinary skill could modify the Andrew Christian Show-It Underwear in view of one or more prior art references to meet this limitation.</p> <p>The '369 Patent discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>“The stability anchor 18 connects the groin portion 14 to the back portion 16 by extending from the groin portion 14 to the back portion 16 while laterally following the contour of the inner thigh portions of the leg portions 20 and being connected to the leg portions 20.” (3:20-24)</p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 7 of 39**

Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="533 334 1297 980"> <p>FIG. 1</p> </div> <p>Furthermore, the '285 Publication discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>“[0028] FIG. 7 shows is a frontal perspective view of a second, alternative embodiment of the multipurpose undergarment in accordance with the invention. In this embodiment, the undergarment shown generally at 70 again includes front leg portions 71 and 72 with corresponding leg openings 78a and 78b and includes a conventional front opening (fly) 73 secured by stitching to the front panel as shown at 75.”</p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 8 of 39**

Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

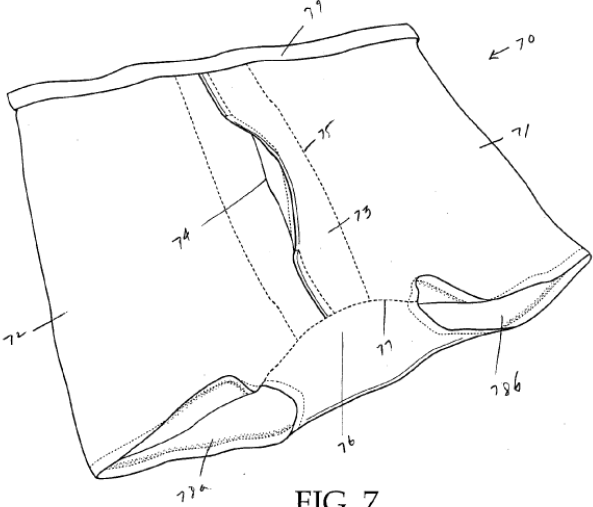
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“[0029] Not unlike the embodiment depicted in FIG. 1, the top edge of the pouch as shown in FIG. 7 can be secured to the interior of the undergarment along the elastic waste band (shown generally at 79). The bottom edge can likewise be secured along the bottom portion 76 of the undergarment as shown along line 77.”</p>  <p style="text-align: center;">FIG. 7</p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 9 of 39**

Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

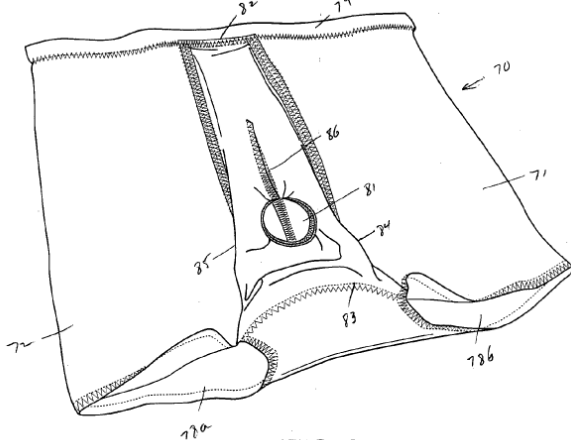
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| |  <p style="text-align: center;">FIG. 8</p> <p>During prosecution of U.S. Pat. No. 9,687,030, the Applicant did not dispute that the '285 Publication meets this element. (See Amendment, July 8, 2014, pages 6-7.)</p> |
| <p>[1.2] a waistband attached by a waistband seam at an upper edge of the body;</p> | <p>The Andrew Christian Show-It Underwear includes a waistband attached by a waistband seam at an upper edge of the body. <i>See, e.g.,</i></p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 10 of 39**

Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

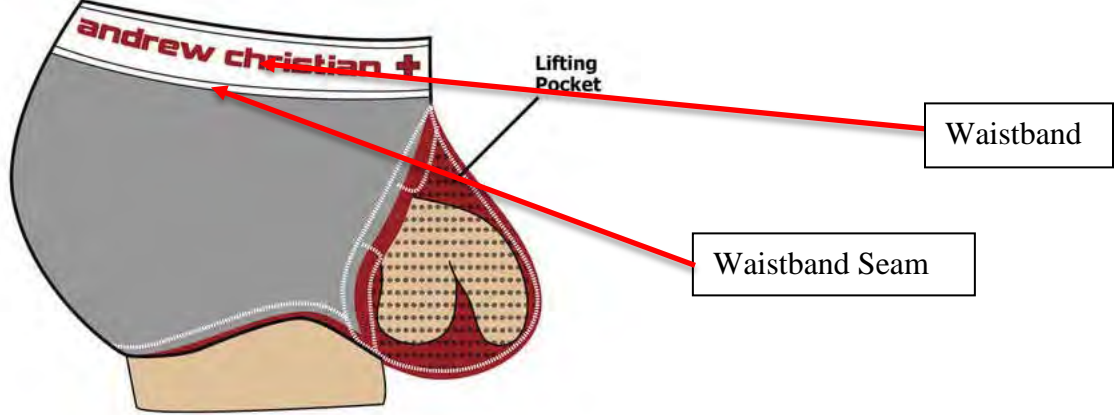

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>The diagram shows a pair of men's underwear with a grey body and a red waistband. A red line points from the waistband to a label 'Waistband'. Another red line points from the waistband seam to a label 'Waistband Seam'. A third red line points from the lifting pocket to a label 'Lifting Pocket'.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>The smaller diagram shows a pair of men's underwear with a grey body and a red waistband. A red line points from the lifting pocket to a label 'Lifting Pocket'.</p> <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 11 of 39****Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art**

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="525 779 1837 885">“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 12 of 39**

Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| |  <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> |
| <p>[1.3] a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side</p> | <p>The Andrew Christian Show-It Underwear includes a stretch panel attached to the body inside the front portion. <i>See, e.g.,</i></p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 13 of 39**

Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;</p> | <div data-bbox="541 305 1675 717"> <p>The diagram shows a pair of men's underwear with a white waistband featuring the 'andrew christian' logo and a red cross. A red dashed line outlines a 'Lifting Pocket' on the right side. A red arrow points from a 'Stretch panel' box to the pocket area. The pocket is filled with a red and white checkered pattern.</p> </div> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <div data-bbox="541 831 865 1058"> <p>A smaller version of the underwear diagram, showing the 'Lifting Pocket' and the 'andrew christian' logo on the waistband.</p> </div> <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 14 of 39**

Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

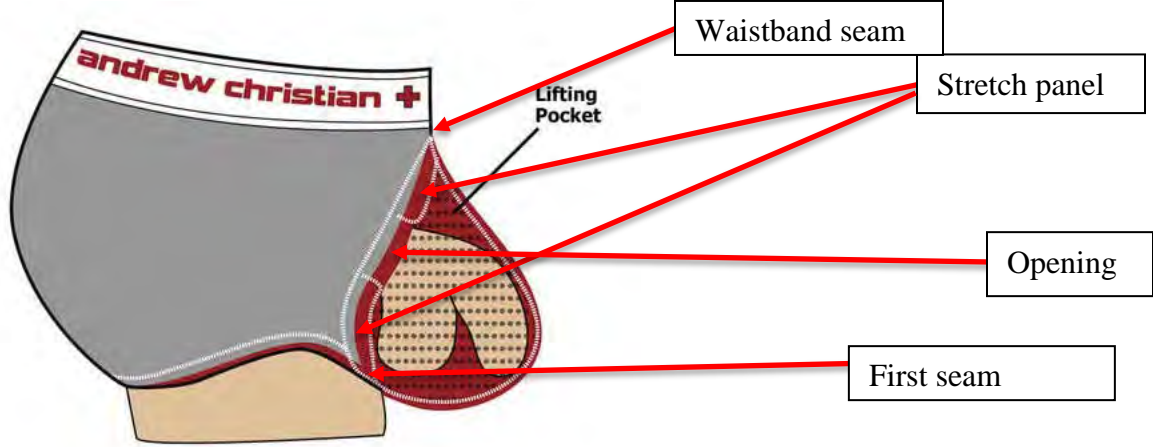
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>The Andrew Christian Show-It Underwear includes a stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p>  <p>The diagram illustrates a side view of a pair of men's underwear, specifically a brief, with a lift pocket. Red arrows point from labels to specific features: 'Waistband seam' points to the top edge of the waistband; 'Stretch panel' points to the side edge of the lift pocket; 'Opening' points to the bottom edge of the lift pocket; and 'First seam' points to the bottom edge of the brief. A label 'Lifting Pocket' points to the interior of the lift pocket. The brand name 'andrew christian' is visible on the waistband.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 15 of 39**

Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art



| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="520 638 1837 743">“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p>  <p data-bbox="1333 852 1474 885">Side Seam</p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 16 of 39**

Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p data-bbox="527 280 1856 347">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  <p data-bbox="527 621 1856 688">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  <p data-bbox="527 1230 1835 1338">“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 17 of 39**

Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

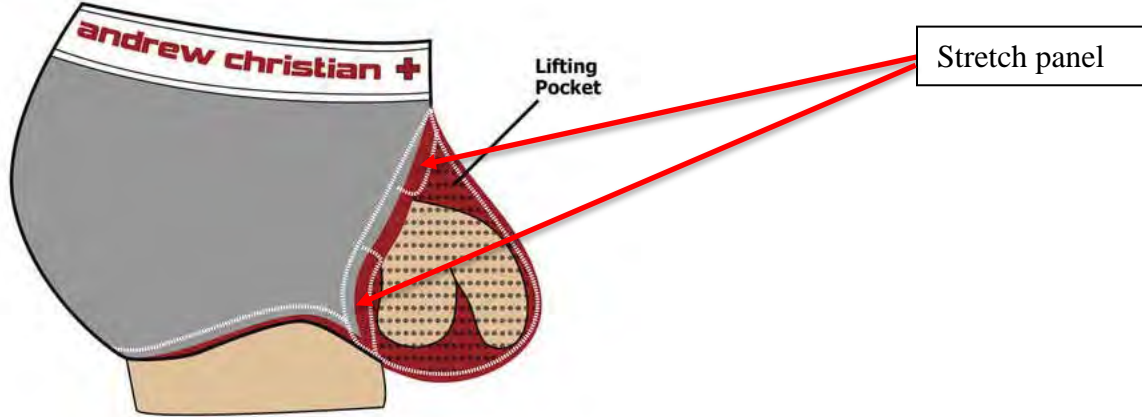
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>To the extent Plaintiffs contend the Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose elastically resilient four-way stretch material having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam, one of ordinary skill in the art would, based on one’s knowledge and the Andrew Christian Show-It Underwear, understand how to modify the Andrew Christian Show-It Underwear to meet this limitation.</p> <p>The Andrew Christian Show-It Underwear includes the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p>  <p>The diagram illustrates a pair of men's underwear. The waistband is white with the text "andrew christian" in red and a red cross symbol. The main body of the underwear is grey. A red, textured "Lifting Pocket" is shown on the side, with a red arrow pointing to it from the label "Lifting Pocket". A red "Stretch panel" is also shown on the side, with a red arrow pointing to it from the label "Stretch panel".</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 18 of 39**

Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| |  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |
| <p>[1.4] the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, the stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from</p> | <p>The Andrew Christian Show-It Underwear includes a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. <i>See, e.g.</i>,</p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 19 of 39**

Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

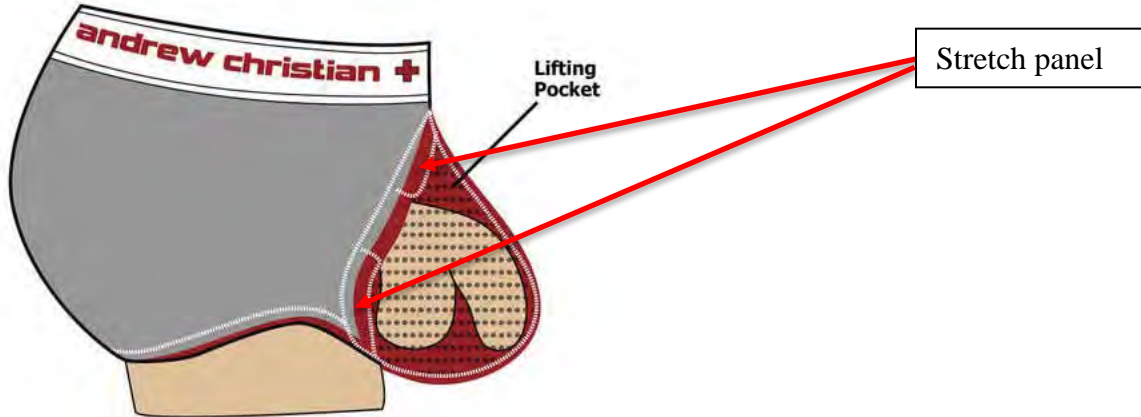

| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn.</p> | <div data-bbox="541 300 1675 714">  <p>The diagram shows a pair of men's underwear with a side view. A red dashed line outlines a 'Stretch panel' on the side. A red solid line outlines a 'Lifting Pocket' located between the stretch panel and the front portion of the garment. The brand name 'andrew christian' is visible on the waistband.</p> </div> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <div data-bbox="541 828 861 1055">  <p>The diagram shows a pair of men's underwear with a side view. A red dashed line outlines a 'Lifting Pocket' located between the front portion and the back portion of the garment. The brand name 'andrew christian' is visible on the waistband.</p> </div> <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>The Andrew Christian Show-It Underwear includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and</p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 20 of 39**

Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

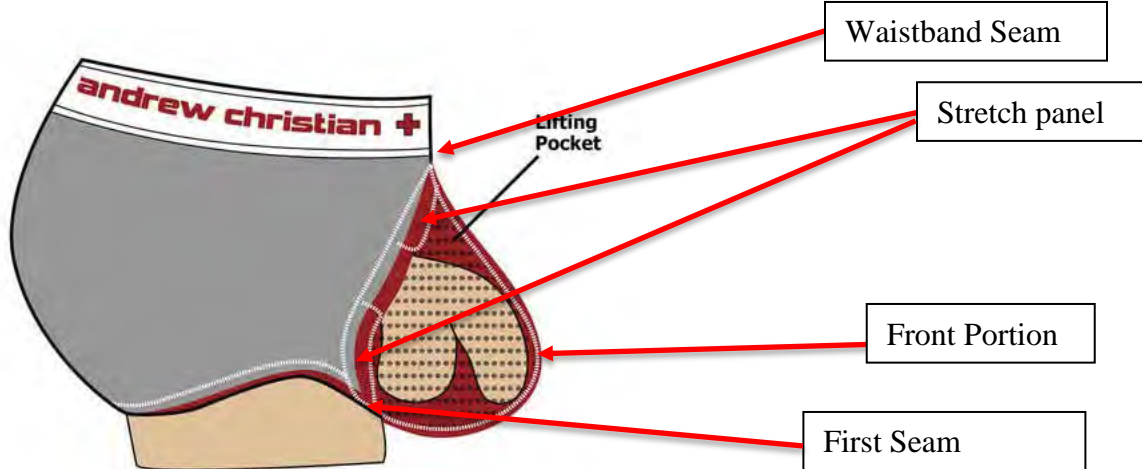

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>a width when unstretched smaller than a width measured along the front portion between the side seams. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p>  <p>The diagram shows a side view of a men's brief. The waistband is white with 'andrew christian' and a red cross logo. A red 'Lifting Pocket' is visible on the side. A red 'Stretch panel' is on the front. A red 'First Seam' is on the side. The 'Front Portion' is the central area of the brief.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>This smaller diagram shows a side view of the same brief, highlighting the 'Lifting Pocket' on the side.</p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 21 of 39****Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art**

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>The front portion of the Andrew Christian Show-It Underwear defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer’s genitals.</p> <p>To the extent Plaintiffs contend the Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion, one of ordinary skill in the art would, based on one’s knowledge and the Andrew Christian Show-It Underwear, understand how to modify Andrew Christian Show-It Underwear to meet this limitation.</p> <p>Alternatively, one of ordinary could modify the Andrew Christian Show-It Underwear in view of one or more prior art references to meet this limitation:</p> <p>For example, EP O 476 818 teaches a method of gathering from side-to-side and top-to-bottom by an elastic fabric. <i>See, e.g.,</i></p> <p>“The garment now has a waist opening 31 and in accordance with the present invention, an elasticated band 32 is secured in face to face contact to a marginal portion 33 of the garment surrounding the waist opening 31. The band 32 is secured to the garment whilst in a tensioned condition (i.e. stretched condition) so that on relaxation, the fabric of the marginal portion 33 is ruched thereby enabling the band to stretch when the garment is being worn.” (4:4-12)</p> <p>“The operative inserts the garment over the band, drops the presser foot 56, sews a pre-set number of stitches, typically two or three, after which the roller 59 drops automatically, and the metering device 62 automatically reverses to apply the pre-programmed tension to the band so that the ruched effect can be</p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 22 of 39****Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art**

| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | achieved.” (6:47-53) |

| Claim 2 | Exemplary Disclosure in Prior Art |
|--|--|
| [2] A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. | <p>See above regarding claim 1.</p> <p>The Andrew Christian Show-It Underwear is a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>“The Show-It design has a hidden “comfy cup” that gently lifts your package giving it a more pronounced appearance.” “Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>To the extent Plaintiffs contend Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one’s knowledge and the</p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 23 of 39****Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art**

| Claim 2 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>Andrew Christian Show-It Underwear, understand how to modify the Andrew Christian Show-It Underwear to meet this limitation. Alternatively, one of ordinary skill could modify the Andrew Christian Show-It Underwear in view of one or more prior art references to meet this limitation.</p> <p>The '369 Patent discloses asymmetrical stretch characteristics of a fabric such that it stretches more easily in one direction and less easily in a direction at right angles to the first direction. <i>See, e.g.,</i></p> <p>“With reference to FIG. 3, the warp knit is generally known in the art for having strands 26 running substantially parallel along a direction 27 of the fabric. Lateral threads 28 running substantially perpendicular to the strands 26 and in a direction 29 encircle sets of two strands 26 at once. Each adjacent lateral thread 28 encircles one of the two strands 26 in the first set and one of the two strands 26 from the second set. This pattern is repeated throughout. The warp knit, by virtue of having parallel strands 26 along the direction 27 of the fabric, is resistant to stretch in the direction 27 when compared to other knitted fabrics, which may undesirably stretch. Thus, the warp knit fabric stretches less along the direction 27 than along the direction 29.” (2:40-52)</p> <p>“The warp knit fabric used to form the groin portion 14 can stretch a relatively greater amount in the horizontal direction, roughly parallel to the waistband, than in the vertical direction. The ability to stretch in the horizontal direction allows for the accommodation of different sizes and shapes of male genitals. The groin portion stretches in the horizontal direction to accommodate the genitals of the supporter user while maintaining slight pressure on the genitals in the horizontal direction, thus aiding the cupping and compression functions of the supporter 10.” (3:1-10)</p> |

| Claim 5 | Exemplary Disclosure in Prior Art |
|--|--|
| [5] A garment according to claim 1 wherein the length measured along material of the front portion from the | See above regarding claim 1. |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

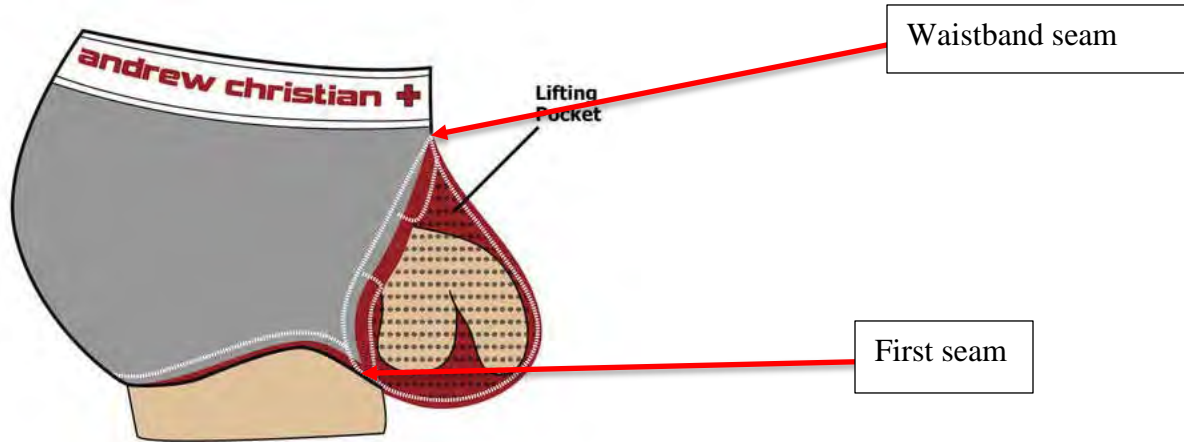

| Claim 5 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%.</p> | <p>In the Andrew Christian Show-It Underwear, the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%. <i>See, e.g.,</i></p>  <p>The diagram shows a pair of men's underwear with a grey waistband and a red lifting pocket. A red arrow points from the 'Waistband seam' label to the top edge of the waistband. Another red arrow points from the 'First seam' label to the bottom edge of the lifting pocket. A black arrow points from the 'Lifting Pocket' label to the pocket itself.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>The small diagram shows a side view of the underwear with the lifting pocket. A black arrow points from the 'Lifting Pocket' label to the pocket.</p> <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art


| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art



| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="525 511 1858 576">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  <p data-bbox="525 1120 1837 1226">“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p data-bbox="525 1266 1858 1404">To the extent Plaintiffs contend the Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one’s knowledge and the Andrew Christian</p> |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 27 of 39****Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art**

| Claim 5 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | Show-It Underwear, understand how to modify the Andrew Christian Show-It Underwear to meet this limitation. |


| Claim 6 | Exemplary Disclosure in Prior Art |
|---|--|
| [6] A garment according to claim 1 wherein the garment is a pair of undershorts. | <p>See above regarding claim 1.</p> <p>The Andrew Christian Show-It Underwear is a pair of undershorts. <i>See, e.g.,</i></p> <p>“The line consists of boxer-briefs, briefs, jocks and swimwear.” “Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p>  |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> |

| Claim 7 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[7] A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.</p> | <p>See above regarding claim 1.</p> <p>The Andrew Christian Show-It Underwear includes a stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

| Claim 7 | Exemplary Disclosure in Prior Art |
|---------|---|
| | To the extent Plaintiffs contend the Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose a stretch panel comprising a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one’s knowledge and the Andrew Christian Show-It Underwear, understand how to modify the disclosure of the Andrew Christian Show-It Underwear to meet this limitation. |

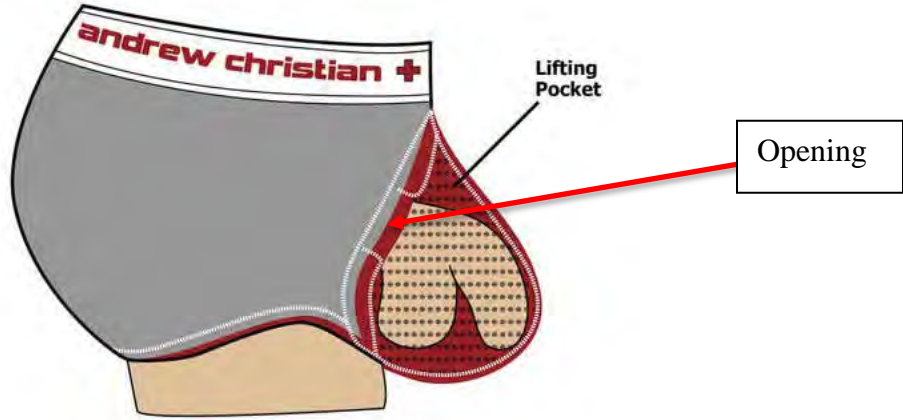

| Claim 8 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>[8] A garment according to claim 1 wherein the opening has a width in excess of 2 cm.</p> | <p>See above regarding claim 1.</p> <p>The Andrew Christian Show-It Underwear includes an opening with a width in excess of 2 cm. <i>See, e.g.,</i></p>  <p>The diagram shows a pair of grey briefs with a white waistband that reads "andrew christian +". A red, textured "Lifting Pocket" is shown on the right side, with a red arrow pointing to a rectangular "Opening" within it. The opening is also outlined in red.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>“The Show-It design has a hidden “comfy cup” that gently lifts your package giving it a bigger more pronounced appearance. When I first saw the way these undies were constructed, I was a little apprehensive about the elastic being uncomfortable under my package; but as soon as I slipped them on, the elastic on the “comfy cup” wasn’t even noticeable.”</p> <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009) (emphasis added).</p> |

| Claim 9 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[9] A garment according to claim 1 wherein: the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section</p> | <p>See above regarding claim 1.</p> <p>The Andrew Christian Show-It Underwear includes a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art



| Claim 9 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.</p> | <p>“The pouch” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p>  <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art


| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> |

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| Claim 9 | Exemplary Disclosure in Prior Art |
|--|--|
| |  <p data-bbox="525 511 1858 576">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> <p data-bbox="525 617 1858 836">To the extent Plaintiffs contend the Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose a stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch, one of ordinary skill in the art would, based on one's knowledge and the Andrew Christian Show-It Underwear, understand how to modify the Andrew Christian Show-It Underwear to meet this limitation.</p> |
| Claim 10 | Exemplary Disclosure in Prior Art |
| <p data-bbox="115 982 493 1161">[10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend.</p> | <p data-bbox="525 982 892 1015">See above regarding claim 1.</p> <p data-bbox="525 1055 1774 1128">The Andrew Christian Show-It Underwear discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p data-bbox="525 1169 1795 1274">“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p data-bbox="525 1315 1879 1421">“Features: 90% Cotton, 10% Spandex.” “Andrew Christians New League Brief with Show-It Technology for Maximum Frontal Enhancement,” https://www.underwearnewsbriefs.com/2009/12/andrew-christians-new-league-brief-with-show-it-technology-for-maximum-frontal-enhancement/ (December 20, 2009).</p> |

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| Claim 10 | Exemplary Disclosure in Prior Art |
|-----------------|---|
| | <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

| Claim 12 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[12] A garment according to claim 1, wherein the first seam is disposed forward of a perineum region of a wearer.</p> | <p>See above regarding claim 1.</p> <p>The Andrew Christian Show-It Underwear includes a first seam disposed forward of a perineum region of a wearer. <i>See, e.g.,</i></p> <p>“The pouch” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art



| Claim 12 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p data-bbox="520 748 1472 784">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p data-bbox="520 1146 1837 1252">“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p data-bbox="520 1292 1890 1398">“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

| Claim 12 | Exemplary Disclosure in Prior Art |
|----------|---|
| | <p>soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 37 of 39****Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art**

| Claim 12 | Exemplary Disclosure in Prior Art |
|-----------------|---|
| | <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> <p>To the extent Plaintiffs contend the Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose a first seam disposed forward of a perineum region of a wearer, one of ordinary skill in the art would, based on one’s knowledge and the Andrew Christian Show-It Underwear, understand how to modify the Andrew Christian Show-It Underwear to meet this limitation.</p> |

| Claim 14 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>[14] A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.</p> | <p>See above regarding claim 1.</p> <p>The Andrew Christian Show-It Underwear’s stretch panel is formed from a single unitary piece of woven fabric. <i>See, e.g.,</i></p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>To the extent Plaintiffs contend the Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one’s knowledge and the Andrew Christian Show-It Underwear, understand how to modify the Andrew Christian Show-It Underwear to meet this limitation.</p> |

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Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art

| Claim 15 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[15] A garment according to claim 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.</p> | <p>See above regarding claim 1.</p> <p>The Andrew Christian Show-It Underwear includes a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p>  <p>“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p>  |

Exhibit A-2**Invalidity of U.S. Patent No. 9,687,030****Page 39 of 39****Either Anticipation by Andrew Christian products with “Show-It” Technology (On Sale in the United States at Least as Early as March 6, 2009) and/or Obviousness in View of Other Prior Art**

| Claim 15 | Exemplary Disclosure in Prior Art |
|-----------------|--|
| | <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> <p>To the extent Plaintiffs contend the Andrew Christian Show-It Underwear does not expressly, implicitly, or inherently disclose a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer, one of ordinary skill in the art would, based on one’s knowledge and the Andrew Christian Show-It Underwear, understand how to modify the Andrew Christian Show-It Underwear to meet this limitation. Alternatively, one of ordinary skill could modify the Andrew Christian Show-It Underwear in view of one or more prior art references.</p> <p>Furthermore, the ’571 Patent discloses the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p> <p>“Thus, in embodiments where pouch compartment 18 has at least two layers of material (an inner layer 18' and an outer layer 18"), seam 18a is formed along the medial plane B (orthogonal to plane A containing where seams 20 run along front walls 26) in the outer layer of material 18", and inner liner 18' is positioned behind outer layer 18" so as to be adjacent the genitalia. In a preferred embodiment, inner liner 18' does not have a seam in contact with phallus 16, and preferably not in contact with the head 16a of the phallus. Rather, the front of inner liner 18' is one continuous soft, light piece of the above mentioned elasticized mesh material extending continuously from and between its laterally opposite seams 26a. Thus the apex point, generally indicated at 18b, of the portion of the pear-shaped pouch 18 containing the head 16a of the penis, does not have vertical or other seam closely adjacent to irritate the head 16a. As seen in FIG. 9, inner liner 18' has at its rearmost end, that is, adjacent perineum 24, a pair of divergent tails which when joined along seam 18b' form a shelf-like tableau or plateau 18a' cradling the underside of scrotum 14. Forward of tableau 18a' inner liner 18' is seamless so as to not irritate head 16a of phallus 16 when resting naturally at apex point 18b. Thus it will be seen also that one advantage of using a boxer-style brief is that the boxer-style provides improved room in the front for forming the pouch compartment, as compared to more constrictive styles of brief which pull relatively tightly in over the genitals.” (4:38-63)</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 1 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

Upon information and belief, the disclosure of U.S. Patent Publication No. 2004/0025218 (published Feb. 12, 2004) (“’218 Publication”) either expressly, implicitly, or inherently anticipates the asserted claims of U.S. Patent No. 10,034,496 under 35 U.S.C. § 102 and/or renders those claims obvious under 35 U.S.C. § 103 in view of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”), and alternatively in further view of U.S. Patent Publication 2009/0106874 (published April 30, 2009) (“’874 Publication”), U.S. Patent 7,631,369 (issued Dec. 15, 2009; published as US 2007/0220660 on Sept. 27, 2007) (the “’369 Patent”), International Publication No. WO 98/39981 (published Sept. 17, 1998) (“WO 98/39981”), U.S. Publication No. 2007/0277285 (published Dec. 6, 2007) (the “’285 Publication”), European Patent Application No. EP 0 476 818 (published March 25, 1992) (“EP 0 476 818”), Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) (the “’058 Design”), and/or WO 01/37687 A1 (published May 31, 2001) (“WO 01/37687”) as set forth in the chart below.

The following contentions are subject to revision and amendment pursuant to Federal Rule of Civil Procedure 26(e) and the Court Orders in this matter subject to further investigation and discovery regarding the references.

| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| [1.pre] 1. A male garment comprising: | The ’218 Publication discloses a male garment. <i>See, e.g.,</i> “A men's undergarment” (Abstract) “MEN'S UNDERGARMENT” (Title) |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 2 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

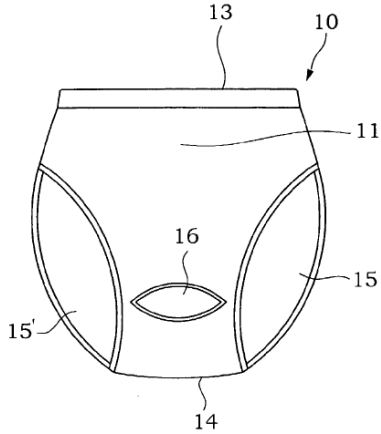
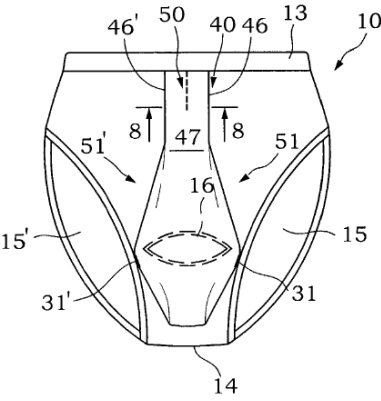
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p data-bbox="525 321 1869 386">“[0002] The present invention provides an undergarment for men and, more particularly, to such a men's undergarment that is good for the health of the user's genitals.”</p>  <p data-bbox="703 841 787 876">Fig. 1</p>  <p data-bbox="703 1339 787 1375">Fig. 7</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 3 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

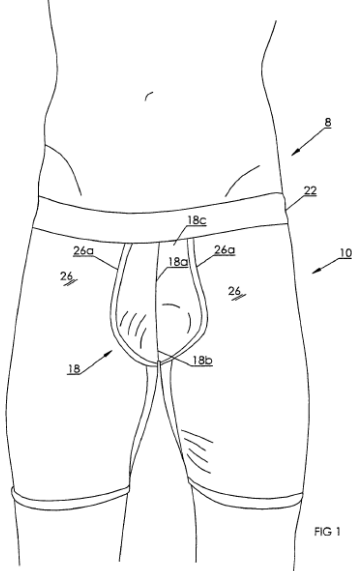
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>Furthermore, the ’571 Patent discloses this limitation. <i>See, e.g.</i>, “An underwear garment for use by a male” (Abstract) “UNDERWEAR GARMENT FOR A MALE” (Title)</p> <p>“This invention relates to the field of men's undergarments generally, and in particular to an undergarment having an improved pouch and sidewalls for supporting genitalia and decreasing irritation due to skin-to-skin friction and chaffing.” (1:12-15)</p>  <p>FIG 1</p> |

Exhibit B-1

Invalidity of U.S. Patent No. 10,034,496

Page 4 of 100

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

[illegible]

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 5 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

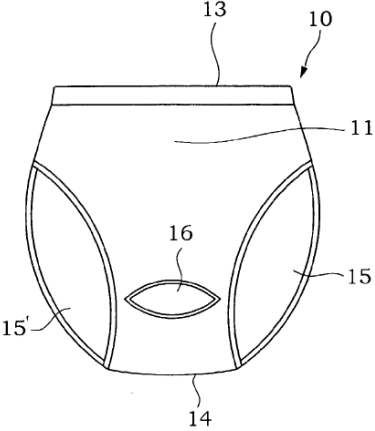
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[1.1] a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;</p> | <p>The '218 Publication discloses a body including a front portion and having leg openings for a wearer's legs. <i>See, e.g.</i>,</p> <p>“A men's undergarment having an opening in the front panel of the undergarment body thereof and a cover panel fastened to the undergarment body” (Abstract”)</p> <p>“[0009] . . . The under undergarment body comprises a front panel, a back panel, a waistband, and a crotch, and two leg holes.”</p> <p>“[0021] Referring to FIG. 1, a men's undergarment in accordance with the present invention is shown comprised of an undergarment body 10 and a cover panel. The undergarment body 10 comprises a front panel 11, a back panel 12 (see FIG. 5), a waistband 13, and a crotch 14, defining two leg holes 15 and 15'.”</p>  <p>Fig. 1</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 6 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="548 323 936 719"> </div> <p data-bbox="709 764 789 800">Fig.7</p> <p data-bbox="522 862 1843 930">The '218 Publication discloses a body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p data-bbox="522 972 1829 1040">“[0015] FIG. 6 is an extended out view of the cover panel for the men's undergarment according to the second embodiment of the present invention.”</p> <p data-bbox="522 1083 1885 1187">“[0021] Referring to FIG. 1, a men's undergarment in accordance with the present invention is shown comprised of an undergarment body 10 and a cover panel. The undergarment body 10 comprises a front panel 11, a back panel 12 (see FIG. 5), a waistband 13, and a crotch 14, defining two leg holes 15 and 15'.”</p> <p data-bbox="522 1229 1881 1404">“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 7 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

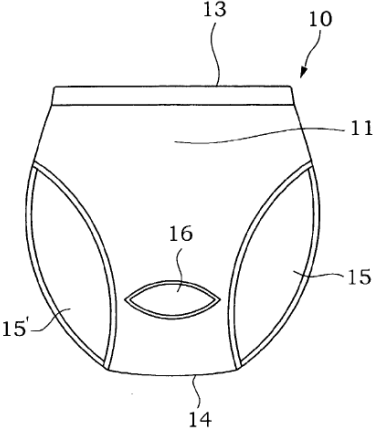
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. . . . Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p>  <p style="text-align: center;">Fig. 1</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 8 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

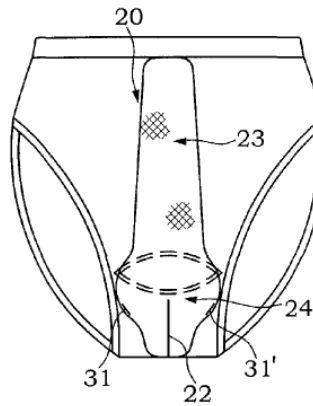
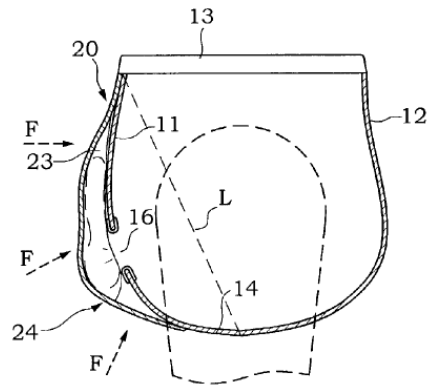
Claim 1**Exemplary Disclosure in Prior Art****Fig.3****Fig.5**

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

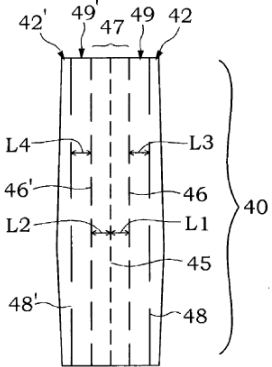
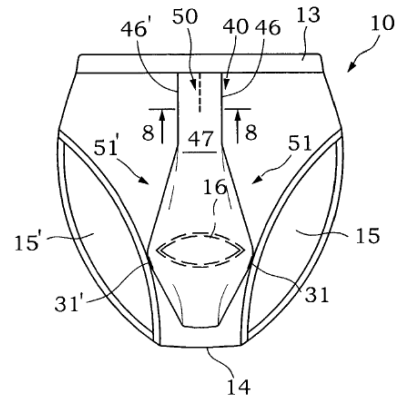
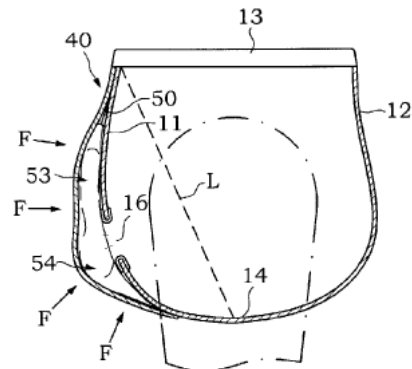
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The diagram shows a cross-section of a garment with multiple vertical panels. At the top, there are labels 42', 49', 47, 49, and 42. Below these, there are labels L4, L3, 46', 46, L2, L1, 45, 48', and 48. A bracket on the right side of the diagram groups the panels from L4 down to 48, with the label 40 next to it. The diagram is labeled Fig.6 at the bottom.</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 10 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

Furthermore, the '571 Patent discloses this limitation. *See, e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“An underwear garment for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall.” (Abstract)</p> <p>“This invention relates to the field of men's undergarments generally, and in particular to an undergarment having an improved pouch and sidewalls for supporting genitalia and decreasing irritation due to skin-to-skin friction and chaffing.” (1:12-15)</p> <p>“Gussets 30 extend laterally from the rearmost end of pouch compartment 18, where they share a common seam 30a and extend laterally down the oppositely disposed legs 32 so as to terminate at legbands 32a, it being understood that the length of gussets 30 will of course depend on the length of legs 32.” (5:56-61)</p> <p>“a waistband, and a front wall depending downwardly from the front thereof” (claim 1)</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

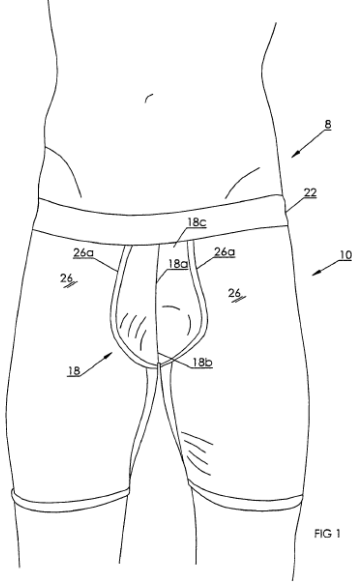
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|-----------------------------------|
| | |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 14 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>Furthermore, the '369 Patent discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>“The stability anchor 18 connects the groin portion 14 to the back portion 16 by extending from the groin portion 14 to the back portion 16 while laterally following the contour of the inner thigh portions of the leg portions 20 and being connected to the leg portions 20.” (3:20-24)</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 15 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

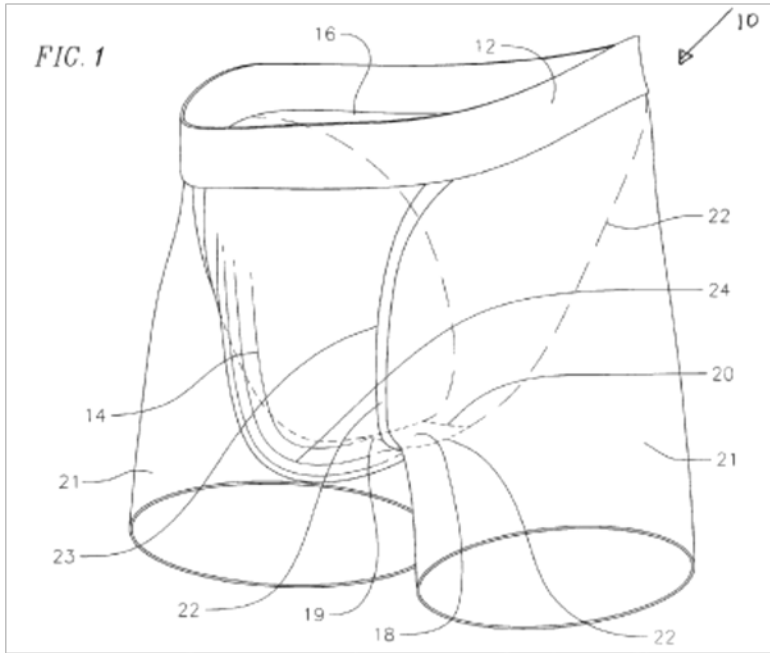
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>Furthermore, WO 98/39981 discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>“The style of the underpants providing an outer garment are conventional boxer shorts which is a style known and found to be very comfortable for normal usage. In accord with this embodiment there are full legs 2 and 3, and a joining panel 4 which is joined to leg panels 5 and 6 by seams 7 and 8. Seams 7 and 8 support a front panel 9 which is openable along the join at 10 and there is a back panel 11 behind this the</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 16 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

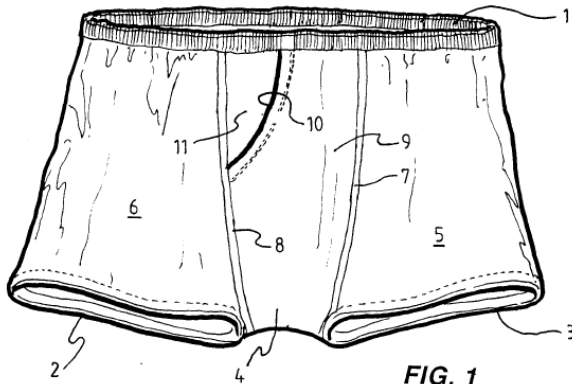
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>joining edge of which is shown for instance in FIG 2 at 12 so that for normal purposes of relief, the penis can be manoeuvred between the several panels.” (3:22-4:4)</p>  <p style="text-align: center;">FIG. 1</p> |

Exhibit B-1

Invalidity of U.S. Patent No. 10,034,496

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

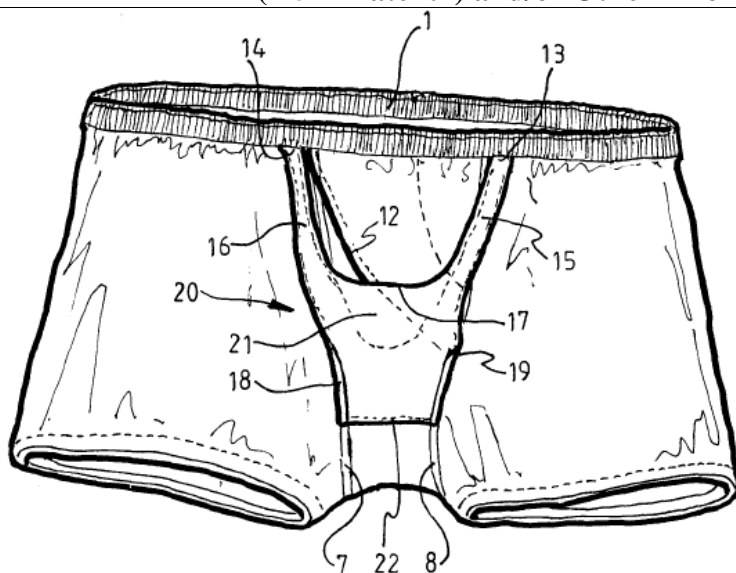


FIG. 2

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

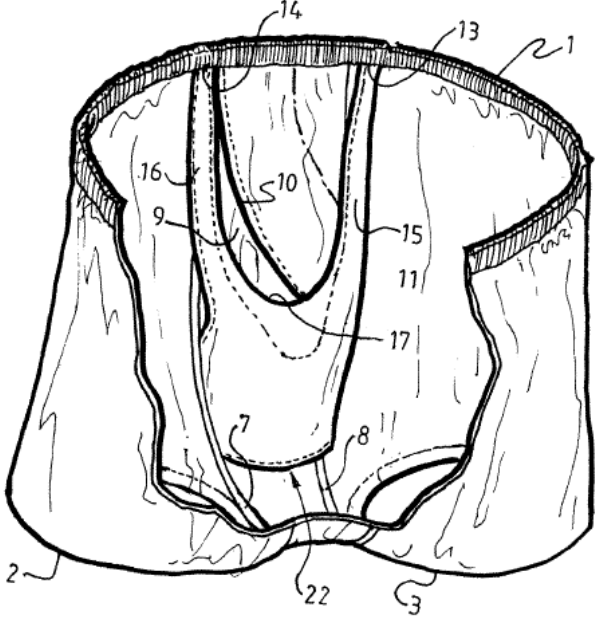
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p style="text-align: center;">FIG. 4</p> <p>Furthermore, the '285 Publication discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>“[0028] FIG. 7 shows is a frontal perspective view of a second, alternative embodiment of the multipurpose undergarment in accordance with the invention. In this embodiment, the undergarment shown generally at 70 again includes front leg portions 71 and 72 with corresponding leg openings 78a and 78b and includes a conventional front opening (fly) 73 secured by stitching to the front panel as shown at 75.”</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 19 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

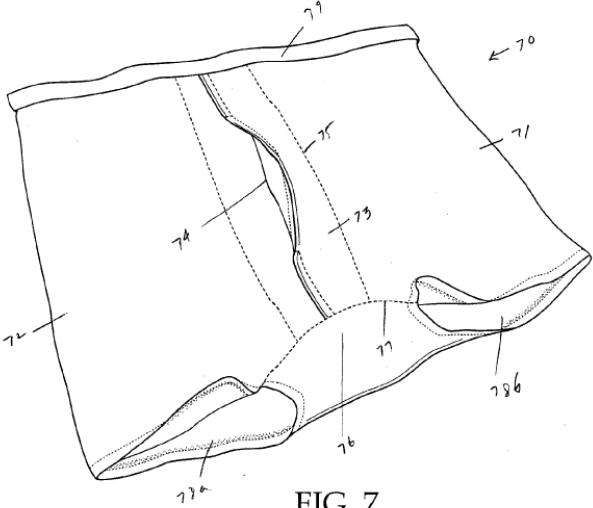
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“[0029] Not unlike the embodiment depicted in FIG. 1, the top edge of the pouch as shown in FIG. 7 can be secured to the interior of the undergarment along the elastic waste band (shown generally at 79). The bottom edge can likewise be secured along the bottom portion 76 of the undergarment as shown along line 77.”</p>  <p style="text-align: center;">FIG. 7</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 20 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

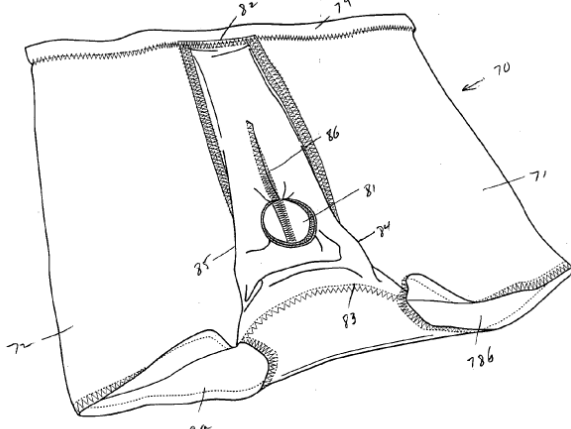
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| |  <p style="text-align: center;">FIG. 8</p> <p>During prosecution of U.S. Pat. No. 9,687,030, the Applicant did not dispute that the '285 Publication meets this element. (See Amendment, July 8, 2014, pages 6-7.)</p> |
| <p>[1.2] a waistband attached by a waistband seam at an upper edge of the body;</p> | <p>The '218 Publication discloses a waistband attached by a waistband seam at an upper edge of the body. <i>See, e.g.,</i></p> <p>“[T]he cover panel having top and bottom ends . . . fixedly fastened to waistband” (Abstract)</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0023] . . . The top and bottom ends of the well-folded cover panel 40 are then respectively stitched to the waistband 13 and crotch 14 of the undergarment body 10.”</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 21 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

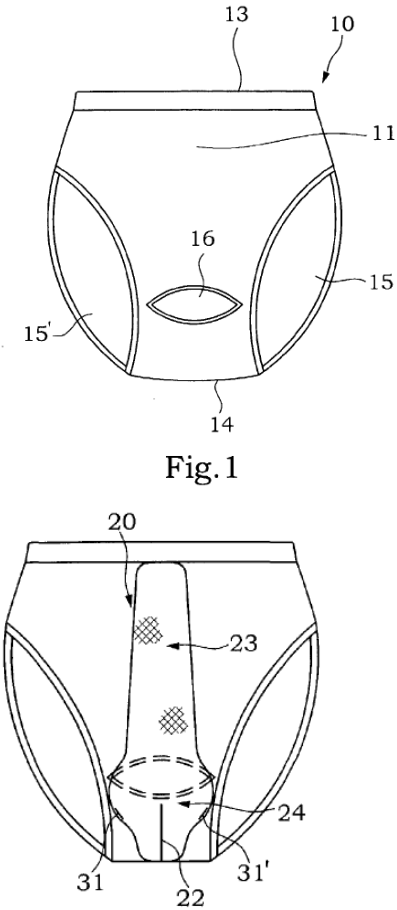
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>Fig. 1 is a top-down view of a pair of underwear (10) showing a waistband (13), side panels (11), and a central opening (16) with a gusset (14). The side panels are labeled 15 and 15'.</p> <p>Fig. 3 is a bottom-up view of the same pair of underwear (20) showing a central opening (22) with a gusset (23) and a dashed line indicating a fold or seam (24). The side panels are labeled 31 and 31'.</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 22 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

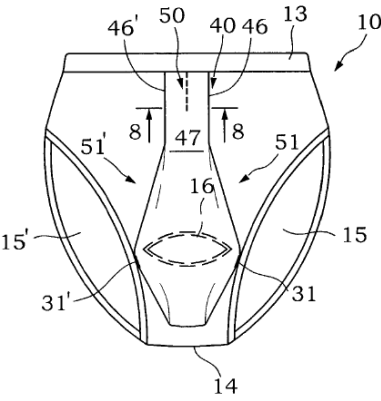
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="709 763 787 803">Fig.7</p> <p data-bbox="522 820 1339 860">Furthermore, the ’571 Patent discloses this limitation. <i>See, e.g.,</i></p> <p data-bbox="522 893 1885 1006">“An underwear garment for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall.” (Abstract)</p> <p data-bbox="522 1039 1885 1185">“In summary, the underwear garment according to the present invention, and for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in amid-section of a front wall depending from a waistband so as to bisect said front wall.” (2:17-22)</p> <p data-bbox="522 1218 1885 1299">“In one embodiment this is done where the side panels extend up to the waistband, and where the pouch also extends between the side panels substantially up to the waistband.” (2:54-57)</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 23 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“The two side panels 12 thus separate the scrotum 14 from contacting the inner thighs and legs of the user, such separation extending from the waistband 22 to the perineum area 24 which extends under the buttocks of user.” (3:64-67)</p> <p>“Viewed from the exterior of the pouch from compartment 18 appears bordered laterally by a pair of opposed facing curved (for example convex shaped) seams 26a bordered at the upper end 18c by waistband 22 and at the lower, rearmost end 18d by perineum area 24 adjacent the posterior perineum.” (5:8-12)</p> <p>“The sides of the exterior of pouch compartment 18 are defined by parallel seams 26a which track from the waistband 22 to the perineum area 24.” (5:18-20)</p> <p>“The garment of claim 2 wherein said side panels extend substantially up to said waistband.” (claim 9)</p> <p>“The garment of claim 9 wherein said pouch extends between said side panels substantially up to said waistband.” (claim 10)</p> <p>“The garment of claim 1 wherein said side panels extend upwards so as to contact said waistband.” (claim 11)</p> |

Exhibit B-1

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| | <p style="text-align: center;">FIG. 3</p> |
| <p>[1.3] a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front</p> | <p>The '218 Publication discloses a stretch panel attached to the body inside the front portion. <i>See, e.g.</i>, “[0009] The cover panel has top and bottom ends respectively fixedly fastened to the waistband and the crotch”</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

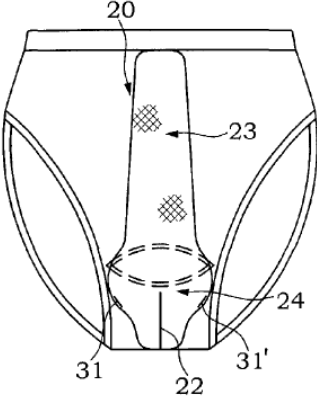
| Claim 1 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>portion and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;</p> | <p>opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status. Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p>  <p style="text-align: center;">Fig.3</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

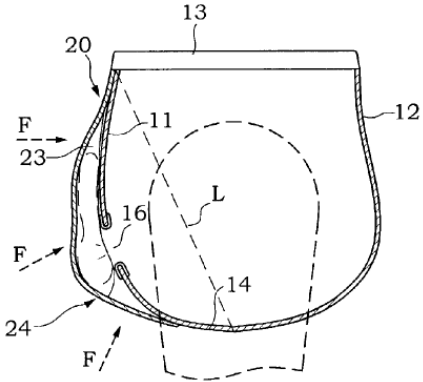
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="701 743 785 781">Fig. 5</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

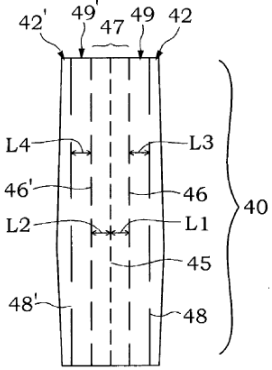
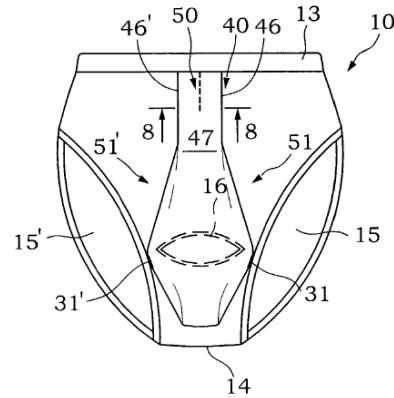
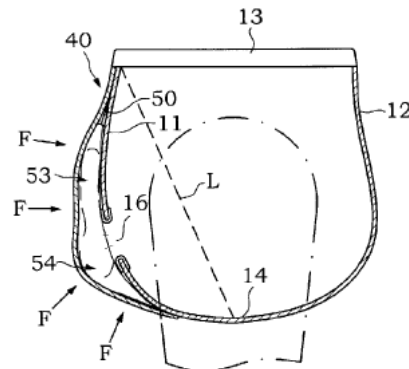
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>The diagram shows a cross-section of a garment with multiple vertical panels and horizontal layers. Labels include 42, 42', 47, 49, 49', L4, L3, 46, 46', L2, L1, 45, 48, and 48'. A bracket on the right side of the diagram is labeled 40. The diagram illustrates a complex layered structure with various panels and seams.</p> <p data-bbox="611 943 684 976">Fig.6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

The '218 Publication discloses a stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 29 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals. <i>See, e.g.,</i></p> <p>“[0009] The cover panel has top and bottom ends respectively fixedly fastened to the waistband and the crotch”</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status. Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 30 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

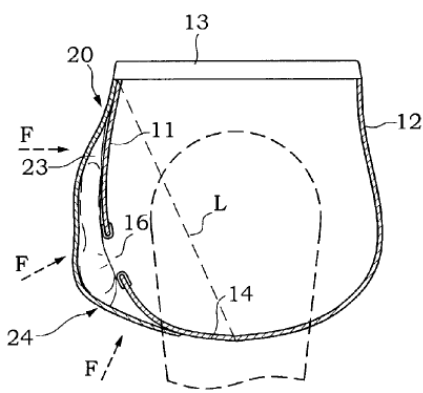
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23. When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40.”</p> <p>“The men's undergarment as claimed in claim 1, wherein said cover panel has an upper part, which defines with said undergarment body said penis receiving space, and two smoothly arched side flaps symmetrically bilaterally formed integral with a lower part thereof and defining with said undergarment body said scrotum receiving space.” (Claim 4)</p> <p>“The men's undergarment as claimed in claim 5, wherein the outer portion of each of said arched side flap is respectively stitched to said undergarment body, forming a respective stitched line.” (Claim 6)</p>  <p style="text-align: center;">Fig.5</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

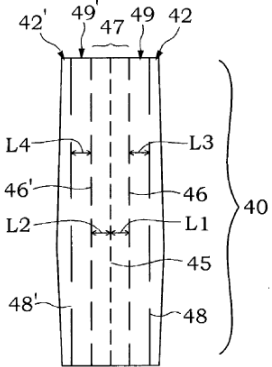
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>The diagram shows a cross-section of a garment with multiple vertical panels and horizontal layers. Labels include 42' and 42 at the top edges, 49' and 49 at the top corners, 47 in the center top, L4 and L3 on the left and right sides, 46' and 46 in the middle, L2 and L1 on the left and right sides, 45 in the center, 48' and 48 at the bottom, and 40 as a bracketed group for the central section.</p> <p>Fig.6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="520 321 924 690"> </div> <p data-bbox="688 755 789 787">Fig. 11</p> <p data-bbox="520 844 1890 917">The '218 Publication discloses an the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See, e.g.,</i></p> <p data-bbox="520 950 1890 1096">“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23.”</p> <p data-bbox="520 1128 1890 1242">“[0026] . . . Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p data-bbox="520 1274 1890 1356">“[0027] . . . Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art**

“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened.”

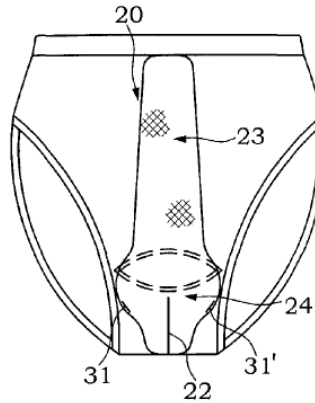
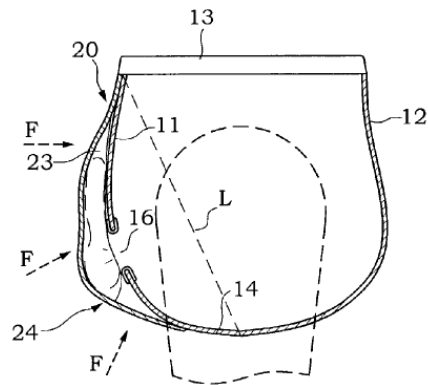
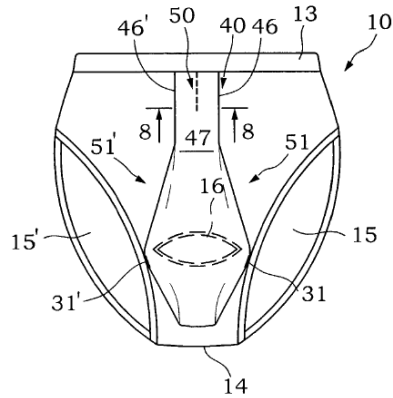
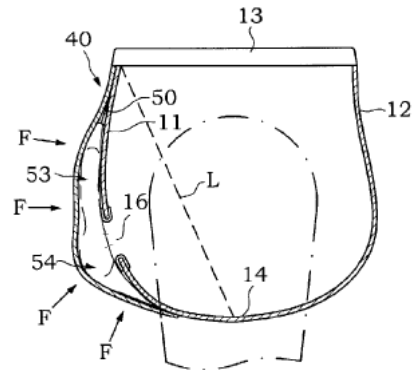
**Fig.3****Fig.5**

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a stretch panel attached to the body inside the front portion having a top edge attached to the body at a top

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The '571 Patent discloses a stretch panel attached to the body inside the front portion having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See e.g.</i>,</p> <p>“An underwear garment for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall.” (Abstract)</p> <p>“Angheluta discloses a man's garment, particularly a man's underwear garment, providing a codpiece compartment secured to a front of a trunk panel of the garment. The trunk panel provides an opening for communicating a man's genitals therethrough into the codpiece compartment.” (1:50-54)</p> <p>“Further advantageously, the pouch has an inner lining which is smooth and seamless over a central penis-covering portion thereof, and the concavities of the side panels are formed at least in part by folding laterally inwardly and stitching uppermost ends of the side panels so as to fold over an uppermost edge of the side panels. In one embodiment this is done where the side panels extend up to the waistband, and where the pouch also extends between the side panels substantially up to the waistband.” (2:49-57)</p> <p>“With reference to the accompanying drawings wherein similar characters of reference denote corresponding parts in each view, a conventional pair of so-called boxer style briefs 10 are modified in the</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>present invention by adding interior side-panels 12, preferably constructed of an elasticized breathable mesh fabric, for the purpose of isolating the genitalia, in particular scrotum 14 and phallus 16 (shown diagrammatically in dotted outline in FIG. 7), into the pouch compartment 18, thereby isolating the genitalia from contacting the inner thighs and legs of the user 8 wearing the briefs.” (3:27-37)</p> <p>“As seen in the interior of briefs 10, side panels 12 are formed of two separate and substantially parallel pieces of mesh fabric attached to the laterally spaced apart pouch seams 20.” (3:37-40)</p> <p>“The side panels 12 form a pair of generally parallel fences which extend upwardly from, and along, seams 20 so as to extend their uppermost edges 12a upwardly substantially completely into the crack or fold between the laterally outer sides of scrotum 14 and the top of the inner thighs, that is, along the fold of skin where the top of the inner thighs join the top of the scrotum along a lower-most aspect of the abdomen of user 8. This joint, where the inner thighs and scrotum join along a fold line, is defined generally by both the shape and the location when worn of the upper-most arcuate edges 12a of side panels 12.” (3:41-51)</p> <p>“The two side panels 12 thus separate the scrotum 14 from contacting the inner thighs and legs of the user, such separation extending from the waistband 22 to the perineum area 24 which extends under the buttocks of user.” (3:64-67)</p> <p>“Those oppositely disposed convexities of course define an opposed facing pair of genitalia-supporting concavities 12b which, because of the flexibility and elasticity of the mesh side panel material, mould to gently conform to the shape of scrotum 14 in particular and allow for resiliently supported relative movement of the scrotum relative to the pubis and perineum 24 of user 8, side panels 12 resiliently cradling and biasing the scrotum back into its naturally resting position symmetrically depending below the pubis and base of the penis 16.” (4:10-19)</p> <p>“As better seen in FIG. 3, in one embodiment the concavities 12b of side panels 12 are formed by folding over inwardly, and stitching with the fold-over in place, the upper ends 12c of side panels 12 where side panels 12 are stitched to the front walls 26 and waistband 22 of brief 10.” (4:19-24)</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> <p>“The material of the side panels and pouch provide the intended isolating function while improving comfort, airflow, and support for the scrotum. The mesh fabric is light and soft to reduce discomfort and improve feel for the scrotum and phallus while in contact with fabric and garment design in the sensitive groin area including the genitalia.” (4:33-38)</p> <p>“The side panels 12 and the interior and exterior layers 18’ and 18” respectively of pouch compartment 18 advantageously may share the interior seams 20 which create the pouch shape that is, seams 20 and 26a are coincident. The cooperation of the side-panels and pouch shape and construction serves to:</p> <ul style="list-style-type: none"> a) further enhance the cradle-like support of the garment through the opposed facing convex shape seam orientation of seams 26a; b) contain the genitalia while inhibiting contact between the fabric and the skin; c) further accentuate the volume and freedom of movement within pouch compartment 18 while inhibiting the genitalia from escaping pouch compartment 18.” (5:31-43) |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

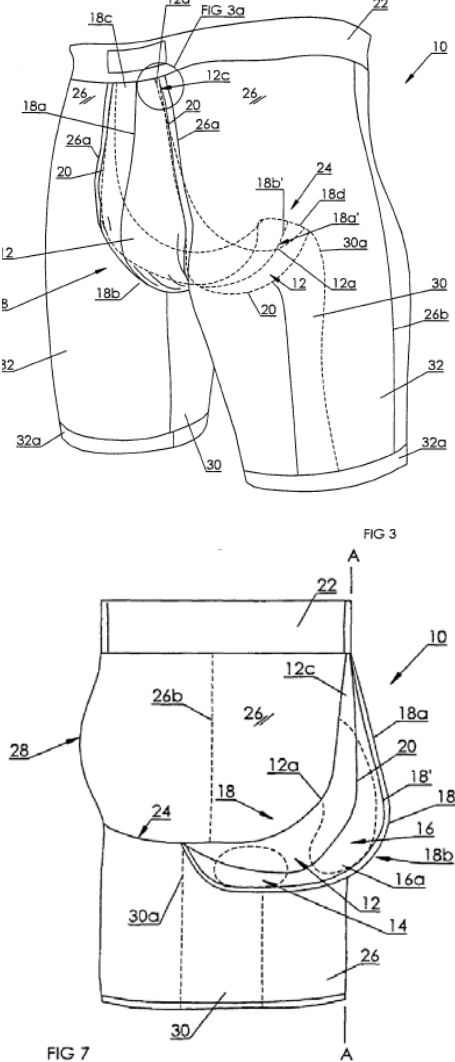
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>FIG 3a</p> <p>FIG 7</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

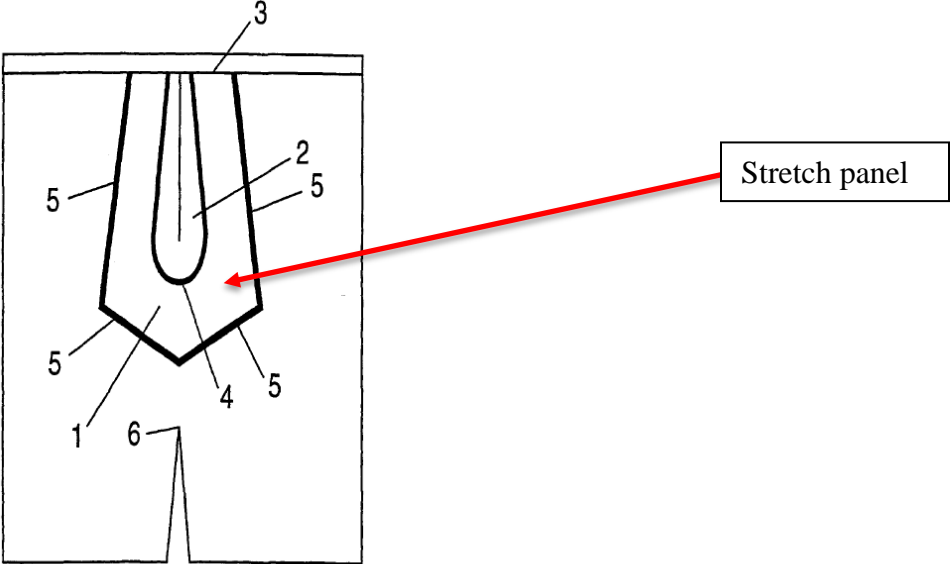
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>WO 01/37687 discloses a stretch panel attached to the body inside the front portion. <i>See, e.g.,</i></p>  <p>“The invention relates to a hygienic elastic garment for men’s underwear, which forms part and is sewn to classic underpants.” Abstract.</p> <p>“the garment is sewn to the inner front part of the underpants” Abstract.</p> <p>WO 01/37687 discloses a stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals. <i>See, e.g.,</i></p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

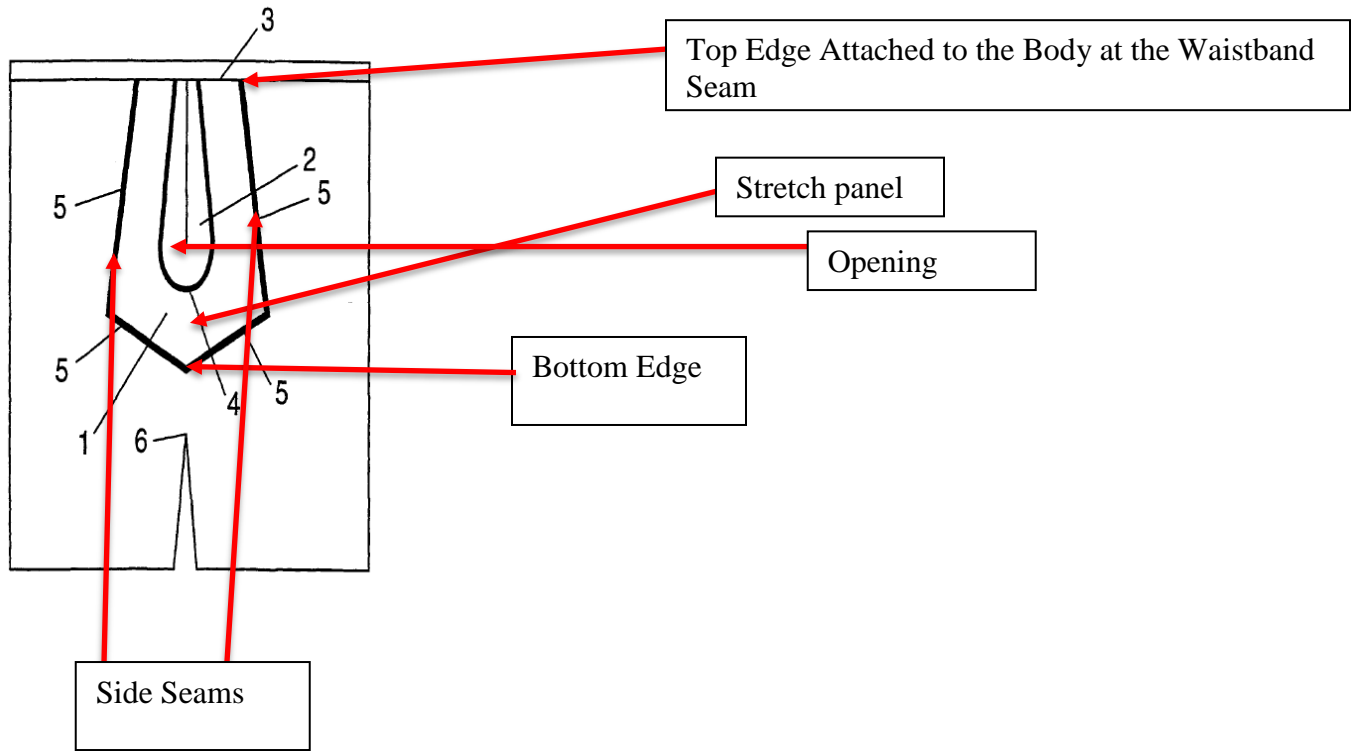
| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| | <p>“elastic garment.” Abstract.</p>  <p>The diagram shows a cross-section of a garment with a central opening. Numbered parts include: 1 (left side seam), 2 (top edge), 3 (top edge), 4 (bottom edge), 5 (side seams), and 6 (bottom edge). Red arrows point from labels to specific parts: 'Top Edge Attached to the Body at the Waistband Seam' points to 3; 'Stretch panel' points to 2; 'Opening' points to the central void; 'Bottom Edge' points to 4; and 'Side Seams' points to 1 and 5.</p> |
| <p>[1.4] the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between</p> | <p>The '218 Publication discloses a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. <i>See, e.g.,</i></p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>the side edges, the stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn.</p> | <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status.”</p> <p>“[0023] The top and bottom ends of the well-folded cover panel 40 are then respectively stitched to the waistband 13 and crotch 14 of the undergarment body 10.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 42 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>penis from falling to the outside of the cover panel 40. Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> <p>“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened. The length of the stitched line 50 is determined subject to the size and style of the undergarment. Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p> <p style="text-align: center;">Fig.3</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

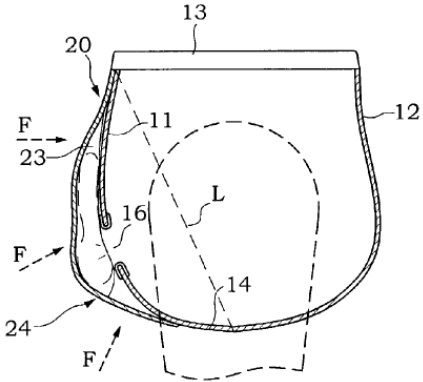
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="701 743 785 781">Fig. 5</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

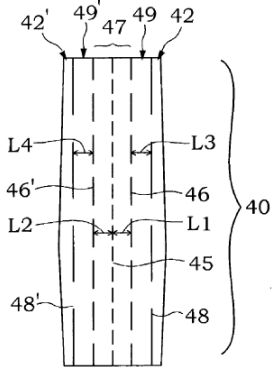
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The diagram shows a vertical rectangular structure with several vertical lines. At the top, there are labels 42', 49', 47, 49, and 42. Below these, there are labels L4, L3, 46', 46, L2, L1, 45, 48', and 48. A bracket on the right side of the diagram groups the labels 46', 46, L2, L1, 45, 48', and 48 under the number 40. The diagram is labeled Fig.6 at the bottom.</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

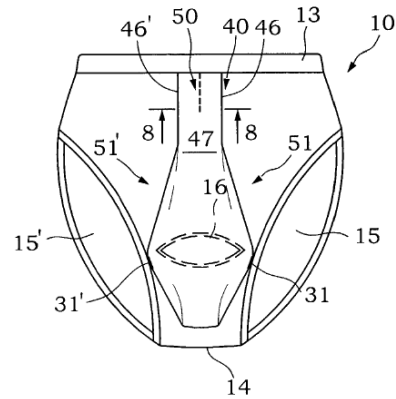
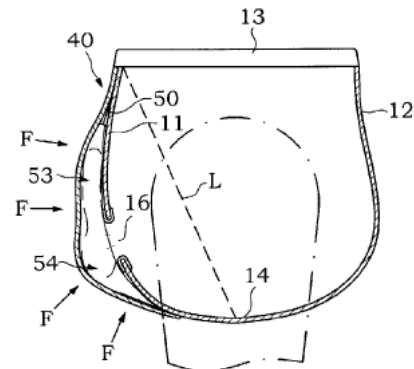
Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>The '218 Publication discloses a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams. <i>See, e.g.,</i></p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] . . . When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

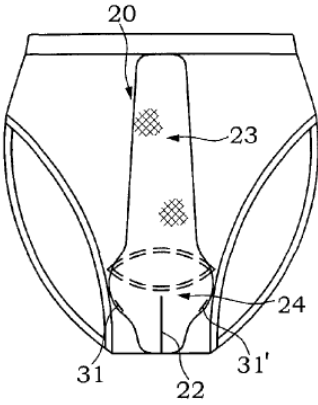
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40. Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> <p>“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened. The length of the stitched line 50 is determined subject to the size and style of the undergarment. Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p>  <p style="text-align: center;">Fig.3</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p data-bbox="701 743 785 781">Fig.5</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

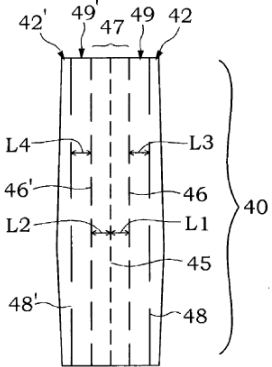
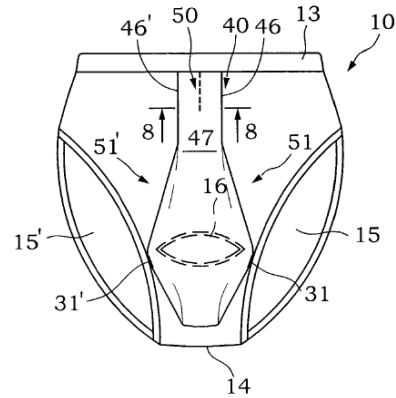
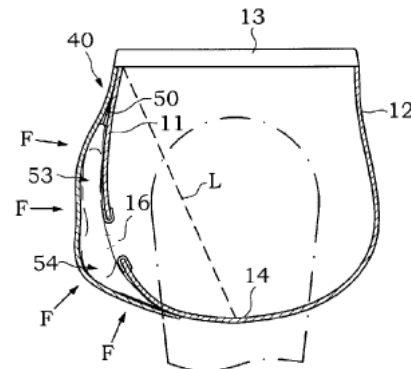
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>The diagram shows a cross-section of a garment with multiple vertical panels and horizontal layers. The top edge is labeled with 42' and 49'. Below the top edge, there are two horizontal layers labeled L4 and L3. The middle section is labeled with 46' and 46. Below the middle section, there are two horizontal layers labeled L2 and L1. The bottom section is labeled with 48' and 48. A bracket on the right side of the diagram indicates that the entire structure is part of a larger assembly labeled 40.</p> <p>Fig.6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

The front portion of the '218 Publication defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer's genitals. *See, e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] . . . When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40. Because the three-dimensional profile of the cover</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

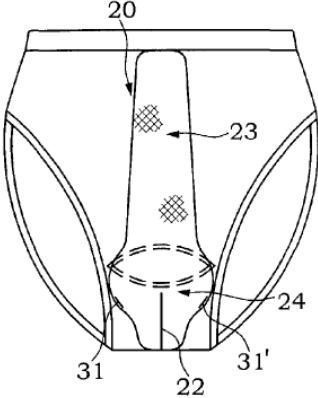
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> <p>“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened. The length of the stitched line 50 is determined subject to the size and style of the undergarment. Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p>  <p style="text-align: center;">Fig.3</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p data-bbox="701 743 785 781">Fig.5</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

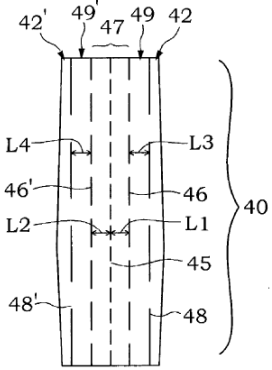
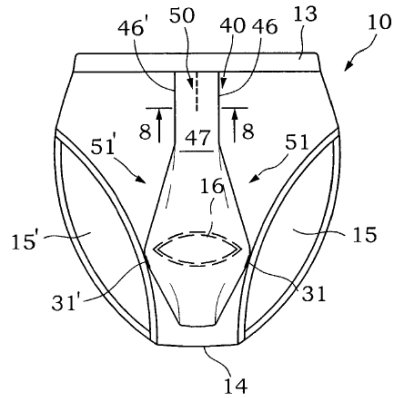
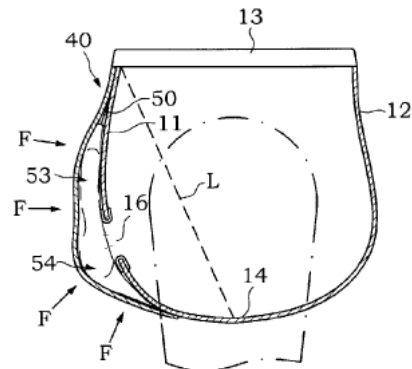
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>The diagram shows a cross-section of a garment with multiple vertical panels and horizontal layers. Labels include 42' and 42 at the top edges, 49' and 49 at the top corners, 47 in the center top, L4 and L3 on the left and right sides, 46' and 46 in the middle, L2 and L1 on the left and right sides, 45 in the center, 48' and 48 at the bottom edges, and 40 as a bracketed group for the central section.</p> <p>Fig.6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>direction between the side edges, the stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication on to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The '571 Patent discloses the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> <p>“Those oppositely disposed convexities of course define an opposed facing pair of genitalia-supporting concavities 12b which, because of the flexibility and elasticity of the mesh side panel material, mould to gently conform to the shape of scrotum 14 in particular and allow for resiliently supported relative movement of the scrotum relative to the pubis and perineum 24 of user 8, side panels 12 resiliently cradling and biasing the scrotum back into its naturally resting position symmetrically depending below the pubis and base of the penis 16.” (4:10-19)</p> <p>“The side panels 12 and the interior and exterior layers 18' and 18” respectively of pouch compartment 18 advantageously may share the interior seams 20 which create the pouch shape that is, seams 20 and 26a are coincident. The cooperation of the side-panels and pouch shape and construction serves to:</p> <ul style="list-style-type: none"> a) further enhance the cradle-like support of the garment through the opposed facing convex shape seam orientation of seams 26a; b) contain the genitalia while inhibiting contact between the fabric and the skin; |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

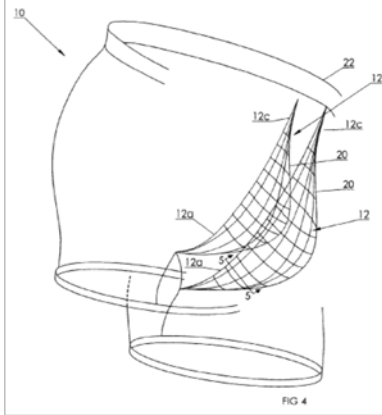
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>c) further accentuate the volume and freedom of movement within pouch compartment 18 while inhibiting the genitalia from escaping pouch compartment 18.” (5:31-43)</p>  <p>Alternatively, one of ordinary skill in the art would understand how to make a garment wherein the front portion is gathered from side-to-side and top-to-bottom by the stretch panel, wherein the stretch panel has a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams. For example, EP O 476 818 teaches a method of gathering from side-to-side and top-to-bottom by an elastic fabric. <i>See, e.g.,</i></p> <p>“The garment now has a waist opening 31 and in accordance with the present invention, an elasticated band 32 is secured in face to face contact to a marginal portion 33 of the garment surrounding the waist opening 31. The band 32 is secured to the garment whilst in a tensioned condition (i.e. stretched condition) so that on relaxation, the fabric of the marginal portion 33 is ruched thereby enabling the band to stretch when the garment is being worn.” (4:4-12)</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | “The operative inserts the garment over the band, drops the presser foot 56, sews a pre-set number of stitches, typically two or three, after which the roller 59 drops automatically, and the metering device 62 automatically reverses to apply the pre-programmed tension to the band so that the ruched effect can be achieved.” (6:47-53) |

| Claim 2 | Exemplary Disclosure in Prior Art |
|--|---|
| [2] A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See, e.g.,</i></p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

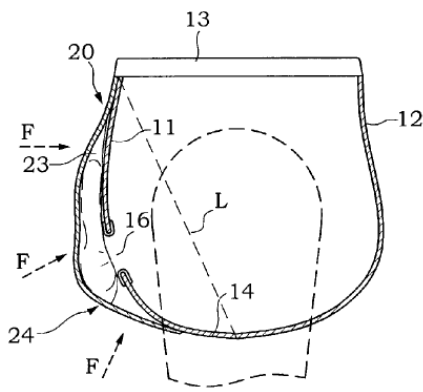
| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="693 730 798 779">Fig. 5</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

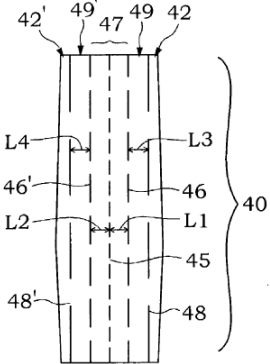
| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>The diagram shows a cross-sectional view of a garment, likely a pair of underwear, with a central vertical dashed line. On the left side, from top to bottom, are labels 42', 49', 47, 49, 42, L4, 46', L2, and 48'. On the right side, from top to bottom, are labels 42, 49, 47, 49', 42, L3, 46, L1, 45, and 48. A bracket on the right side groups the labels L3, 46, L1, 45, and 48 under the number 40. The diagram illustrates the internal structure and layers of the garment.</p> <p data-bbox="611 943 688 976">Fig.6</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 61 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="522 318 926 683"> </div> <p data-bbox="690 753 789 786">Fig. 11</p> <p data-bbox="522 846 1854 1094">To the extent Plaintiffs contend the '218 Publication, alone or in combination with the '571 Patent, does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p data-bbox="522 1138 1877 1208">The '369 Patent discloses asymmetrical stretch characteristics of a fabric such that it stretches more easily in one direction and less easily in a direction at right angles to the first direction. <i>See, e.g.,</i></p> <p data-bbox="522 1248 1894 1419">“With reference to FIG. 3, the warp knit is generally known in the art for having strands 26 running substantially parallel along a direction 27 of the fabric. Lateral threads 28 running substantially perpendicular to the strands 26 and in a direction 29 encircle sets of two strands 26 at once. Each adjacent lateral thread 28 encircles one of the two strands 26 in the first set and one of the two strands 26 from the second set. This pattern is repeated throughout. The warp knit, by virtue of having parallel strands 26 along</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 62 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

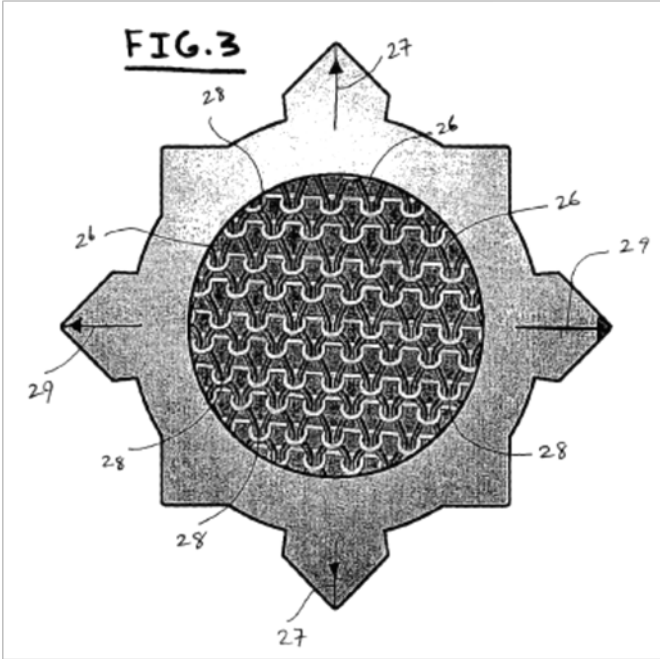
| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>the direction 27 of the fabric, is resistant to stretch in the direction 27 when compared to other knitted fabrics, which may undesirably stretch. Thus, the warp knit fabric stretches less along the direction 27 than along the direction 29.” (2:40-52)</p> <p>“The warp knit fabric used to form the groin portion 14 can stretch a relatively greater amount in the horizontal direction, roughly parallel to the waistband, than in the vertical direction. The ability to stretch in the horizontal direction allows for the accommodation of different sizes and shapes of male genitals. The groin portion stretches in the horizontal direction to accommodate the genitals of the supporter user while maintaining slight pressure on the genitals in the horizontal direction, thus aiding the cupping and compression functions of the supporter 10.” (3:1-10)</p>  |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 2 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>The '874 Publication discloses a stretch panel [rear panel 114] that has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See e.g.</i>, [0022 and 0024].</p> <p>[0022] “In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable.”</p> <p>[0024] “The rear panel 114 is also comprised of the fabric 108.”</p> |

| Claim 3 | Exemplary Disclosure in Prior Art |
|---|--|
| [3] A garment according to claim 1 wherein the stretch panel is rectangular and the opening is U-shaped. | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a garment wherein the stretch panel has a rectangular shape. <i>See, e.g.</i>,</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 3 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="539 324 856 722"> </div> <div data-bbox="665 771 756 812"> <p>Fig.3</p> </div> <div data-bbox="548 889 963 1269"> </div> <div data-bbox="703 1299 793 1341"> <p>Fig.5</p> </div> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 65 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

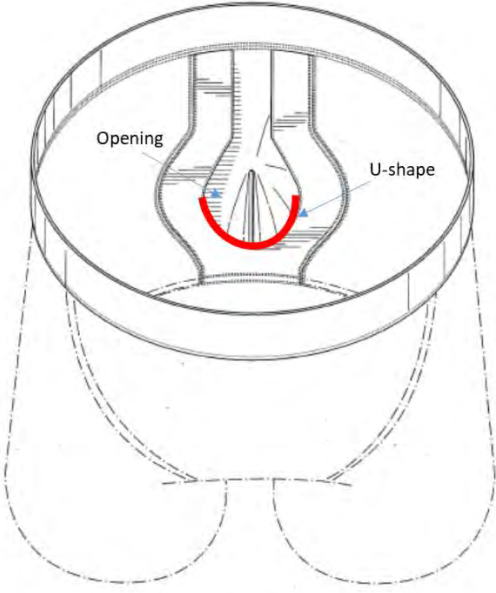
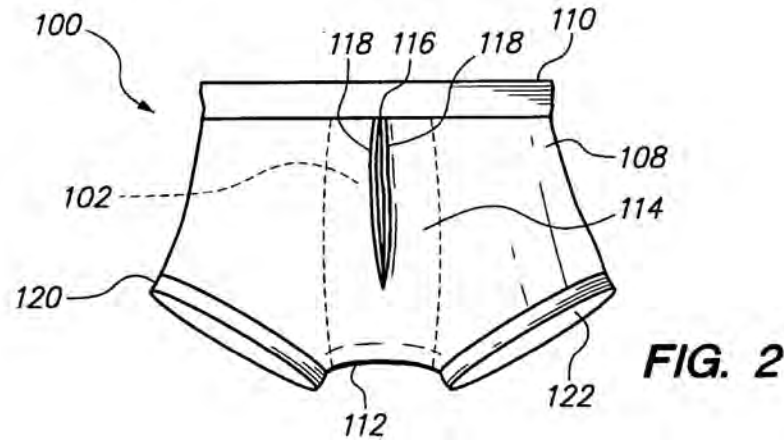
| Claim 3 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>To the extent Plaintiffs contend the ’218 Publication, alone or in combination with the ’571 Patent, does not expressly, implicitly, or inherently disclose a rectangular stretch panel, one of ordinary skill in the art would, based on one’s knowledge and the ’218 Publication, understand how to modify the disclosure of the ’218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the ’218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The ’058 Design discloses the opening is U-shaped. <i>See e.g.</i>,</p>  <p style="text-align: center;">FIG. 2</p> <p>The ’874 Publication discloses a stretch panel [rear panel 114] that has a rectangular shape. <i>See e.g.</i>,</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 66 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

Claim 3**Exemplary Disclosure in Prior Art**

WO 01/37687 discloses a garment wherein the stretch panel has a rectangular shape and the opening is U-shaped. *See, e.g.,*

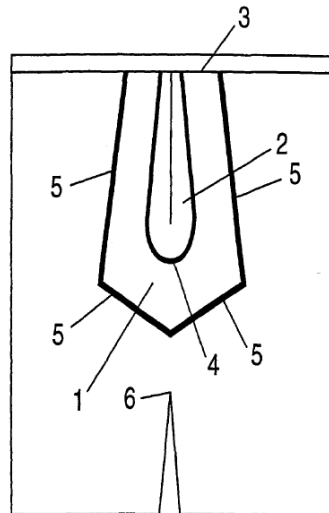


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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 3 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>“It has a tear-shaped vertical opening.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> |

| Claim 4 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[4] A garment according to claim 3 wherein the stretch panel comprises a fabric having a stretch of at least 30%.</p> | <p>See above regarding claim 3.</p> <p>The ’218 Publication discloses a stretch panel comprising a fabric having a stretch of at least 30%. <i>See, e.g.,</i></p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>To the extent Plaintiffs contend the ’218 Publication does not expressly, implicitly, or inherently disclose the stretch panel comprising a fabric having a stretch of at least 30%, one of ordinary skill in the art would, based on one’s knowledge and the ’218 Publication, understand how to modify the disclosure of the ’218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the ’218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The ’571 Patent discloses the stretch panel comprising a fabric having a stretch of at least 30%. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>[5] A garment according to claim 1 wherein the top location is the waistband seam and the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a garment where the top location is the waistband seam and the bottom location is the first seam. <i>See, e.g.,</i></p> <p>“[T]he cover panel having top and bottom ends . . . fixedly fastened to waistband” (Abstract)</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0023] . . . The top and bottom ends of the well-folded cover panel 40 are then respectively stitched to the waistband 13 and crotch 14 of the undergarment body 10.”</p> <div data-bbox="548 826 963 1268"> <p>The diagram shows a front view of a pair of undergarments, labeled Fig. 1. It features a central cover panel 11. At the top, there is a waistband 13. At the bottom, there is a crotch 14. The cover panel 11 is fixedly fastened to the waistband 13 and the crotch 14. The cover panel 11 is made of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth). The cover panel 11 has top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14. The cover panel 11 is well-folded. The cover panel 11 is stitched to the waistband 13 and crotch 14 of the undergarment body 10. The cover panel 11 is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth). The cover panel 11 has top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14. The cover panel 11 is well-folded. The cover panel 11 is stitched to the waistband 13 and crotch 14 of the undergarment body 10.</p> </div> <p>Fig. 1</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

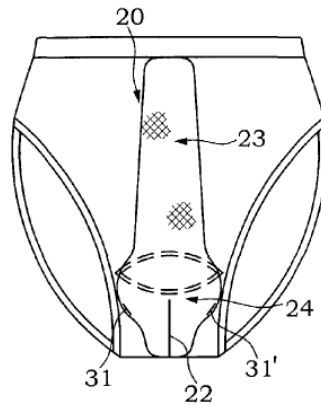
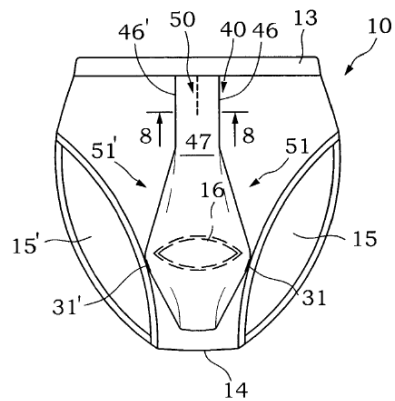
Claim 5**Exemplary Disclosure in Prior Art****Fig.3****Fig.7**

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

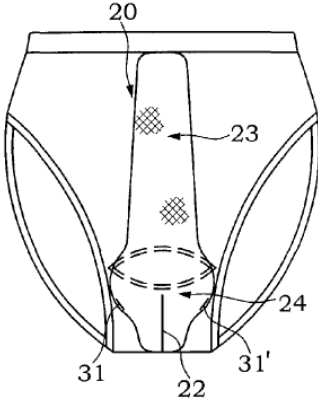
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>The '218 Publication discloses the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%. <i>See, e.g.,</i></p>  <p>The diagram shows a pair of briefs with a central vertical stretch panel. The waistband is labeled 20. The stretch panel is labeled 23. The front portion of the briefs is labeled 24. The side portions are labeled 31 and 31'. The bottom center is labeled 22. The diagram illustrates the relationship between the front portion and the stretch panel as described in the text.</p> <p>Fig.3</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

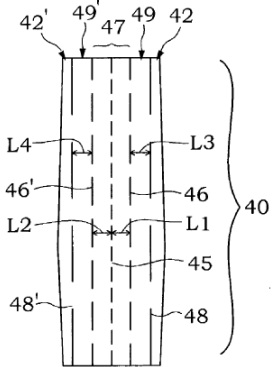
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The diagram shows a cross-section of a garment with vertical stripes. Labels 42 and 42' are at the top left and right edges. Labels 47 and 49 are at the top center. Labels 49' and 46 are at the top center-right. Labels L4, L3, L2, and L1 are on the left side. Labels 46', 45, and 48 are on the right side. A bracket labeled 40 spans the width of the garment. Labels 48' and 48 are at the bottom left and right edges.</p> <p data-bbox="611 943 684 976">Fig.6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="548 326 936 719"> </div> <p data-bbox="709 768 789 800">Fig.7</p> <p data-bbox="522 862 1890 1114">To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a garment where the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p data-bbox="522 1154 1890 1295">The '571 Patent is a garment where the top location is the waistband seam and the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%. <i>See e.g.,</i></p> <p data-bbox="522 1336 1890 1404">“In one embodiment this is done where the side panels extend up to the waistband, and where the pouch also extends between the side panels substantially up to the waistband.” (2:54-57)</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 73 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“The two side panels 12 thus separate the scrotum 14 from contacting the inner thighs and legs of the user, such separation extending from the waistband 22 to the perineum area 24 which extends under the buttocks of user.” (3:64-67)</p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> <p>“Viewed from the exterior of the pouch from compartment 18 appears bordered laterally by a pair of opposed facing curved (for example convex shaped) seams 26a bordered at the upper end 18c by waistband 22 and at the lower, rearmost end 18d by perineum area 24 adjacent the posterior perineum.” (5:8-12)</p> <p>“The sides of the exterior of pouch compartment 18 are defined by parallel seams 26a which track from the waistband 22 to the perineum area 24.” (5:18-20)</p> <p>“The garment of claim 2 wherein said side panels extend substantially up to said waistband.” (claim 9)</p> <p>“The garment of claim 9 wherein said pouch extends between said side panels substantially up to said waistband.” (claim 10)</p> <p>“The garment of claim 1 wherein said side panels extend upwards so as to contact said waistband.” (claim 11)</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 74 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

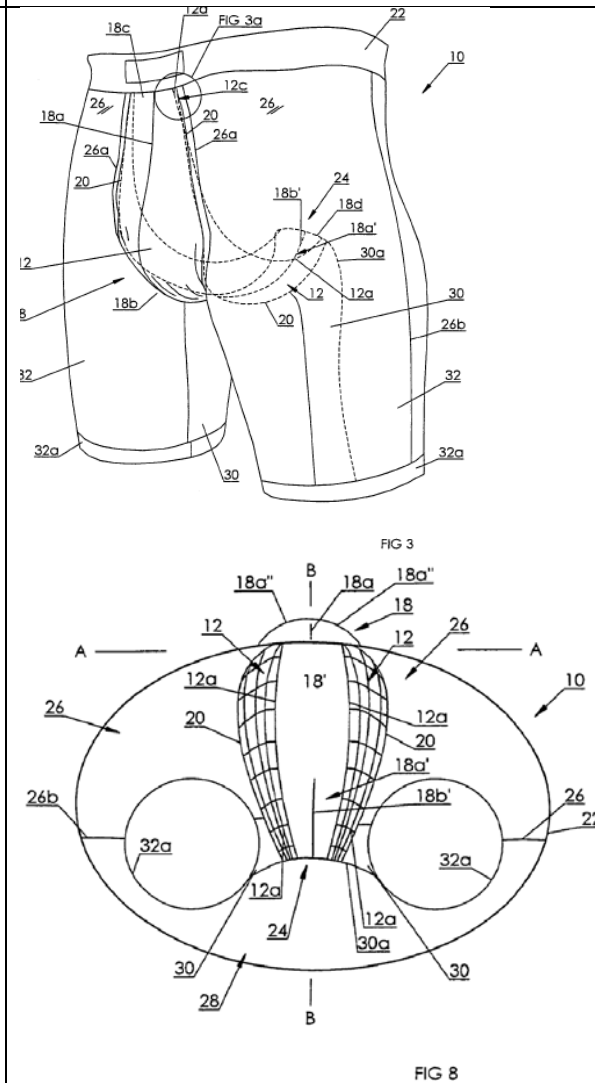
Claim 5**Exemplary Disclosure in Prior Art**

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

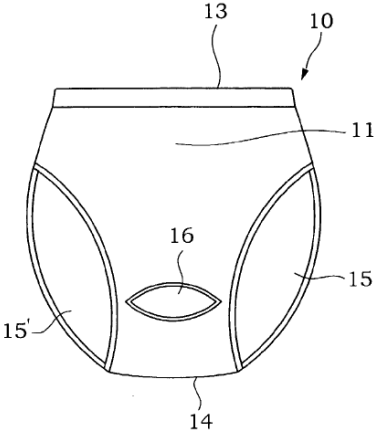
| Claim 6 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>[6] A garment according to claim 1 wherein the garment is a pair of undershorts.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a pair of undershorts. <i>See, e.g.</i>,</p> <p>“A men's undergarment” (Abstract) “MEN'S UNDERGARMENT” (Title)</p> <p>“[0002] The present invention provides an undergarment for men and, more particularly, to such a men's undergarment that is good for the health of the user's genitals.”</p>  <p>Fig. 1</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="548 323 936 717" data-label="Image"> </div> <p data-bbox="709 764 789 800">Fig.7</p> <p data-bbox="522 824 1890 1000">To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a pair of undershorts, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p data-bbox="522 1044 1692 1076">The '571 Patent discloses a garment wherein the garment is a pair of undershorts. <i>See, e.g.,</i></p> <p data-bbox="522 1118 1211 1151">“An underwear garment for use by a male” (Abstract)</p> <p data-bbox="522 1154 1211 1187">“UNDERWEAR GARMENT FOR A MALE” (Title)</p> <p data-bbox="522 1229 1883 1333">“This invention relates to the field of men's undergarments generally, and in particular to an undergarment having an improved pouch and sidewalls for supporting genitalia and decreasing irritation due to skin-to-skin friction and chaffing.” (1:12-15)</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 77 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

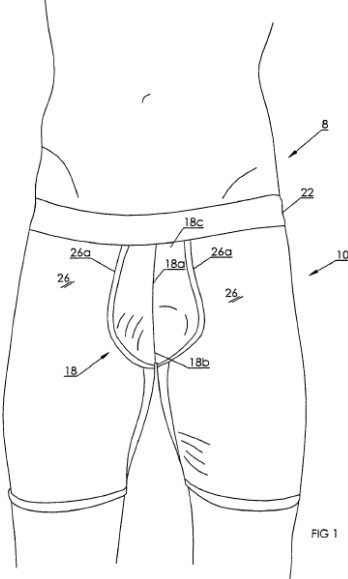
| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

[illegible]

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

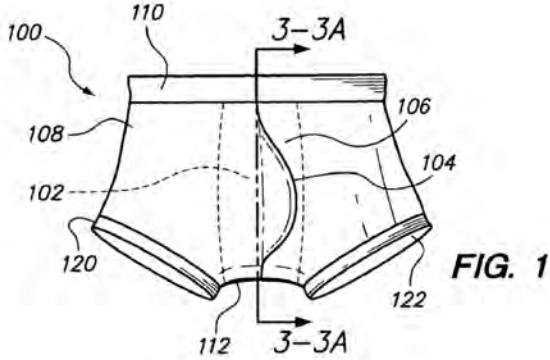
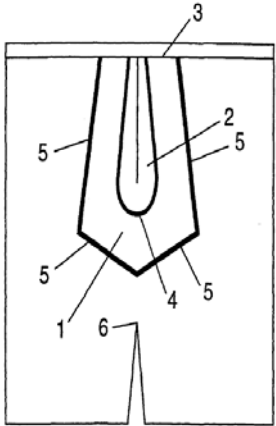
| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>The '874 Publication discloses a garment that is a pair of undershorts [boxer-brief type underwear 100]. <i>See e.g.</i>, FIG. 1.</p>  <p>FIG. 1</p> <p>WO 01/37687 discloses a pair of undershorts. <i>See, e.g.</i>,</p>  |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 80 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 7 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[7] A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p>“[0030] 1. The cover panel 20 or 40 can be made of ventilating or meshed elastic cloth material different from the undergarment body 10, achieving a satisfactory ventilation effect.”</p> <p>To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The '571 Patent discloses the stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™. Pouch 18 may be of a material containing 82% polyester and 18% Spandex™. In one embodiment, the balance of brief 10 is of the same material, however in an alternative embodiment, the balance of brief 10 is made of a 92% cotton, 8% Spandex™ fabric.” (4:25-33)</p> |
| Claim 8 | Exemplary Disclosure in Prior Art |
| <p>[8] A garment according to claim 1 wherein the opening</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses an opening with a width in excess of 2 cm. <i>See, e.g.,</i></p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 8 | Exemplary Disclosure in Prior Art |
|--------------------------------|--|
| has a width in excess of 2 cm. | <p>“[0009] . . . The cover panel defines with the front panel a penis receiving space above the opening of the front panel, and a scrotum receiving space below the opening of the front panel.”</p> <p>“[0021] . . . The front panel 11 has an opening 16 corresponding to the genitals.”</p> <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23.”</p> <p>“[00028] Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p> <p>Furthermore, the ’571 Patent discloses this limitation. <i>See, e.g.,</i></p> <p>“Angheluta discloses a man's garment, particularly a man's underwear garment, providing a codpiece compartment secured to a front of a trunk panel of the garment. The trunk panel provides an opening for communicating a man's genitals therethrough into the codpiece compartment.” (1:50-54)</p> <p>“Further advantageously, the pouch has an inner lining which is smooth and seamless over a central penis-covering portion thereof, and the concavities of the side panels are formed at least in part by folding laterally inwardly and stitching uppermost ends of the side panels so as to fold over an uppermost edge of the side panels. In one embodiment this is done where the side panels extend up to the waistband, and where the pouch also extends between the side panels substantially up to the waistband.” (2:49-57)</p> <p>“With reference to the accompanying drawings wherein similar characters of reference denote corresponding parts in each view, a conventional pair of so-called boxer style briefs 10 are modified in the present invention by adding interior side-panels 12, preferably constructed of an elasticized breathable mesh fabric, for the purpose of isolating the genitalia, in particular scrotum 14 and phallus 16 (shown</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>diagrammatically in dotted outline in FIG. 7), into the pouch compartment 18, thereby isolating the genitalia from contacting the inner thighs and legs of the user 8 wearing the briefs.” (3:27-37)</p> <p>“As seen in the interior of briefs 10, side panels 12 are formed of two separate and substantially parallel pieces of mesh fabric attached to the laterally spaced apart pouch seams 20.” (3:37-40)</p> <p>“The side panels 12 form a pair of generally parallel fences which extend upwardly from, and along, seams 20 so as to extend their uppermost edges 12a upwardly substantially completely into the crack or fold between the laterally outer sides of scrotum 14 and the top of the inner thighs, that is, along the fold of skin where the top of the inner thighs join the top of the scrotum along a lower-most aspect of the abdomen of user 8. This joint, where the inner thighs and scrotum join along a fold line, is defined generally by both the shape and the location when worn of the upper-most arcuate edges 12a of side panels 12.” (3:41-51)</p> <p>“The two side panels 12 thus separate the scrotum 14 from contacting the inner thighs and legs of the user, such separation extending from the waistband 22 to the perineum area 24 which extends under the buttocks of user.” (3:64-67)</p> <p>“Those oppositely disposed convexities of course define an opposed facing pair of genitalia-supporting concavities 12b which, because of the flexibility and elasticity of the mesh side panel material, mould to gently conform to the shape of scrotum 14 in particular and allow for resiliently supported relative movement of the scrotum relative to the pubis and perineum 24 of user 8, side panels 12 resiliently cradling and biasing the scrotum back into its naturally resting position symmetrically depending below the pubis and base of the penis 16.” (4:10-19)</p> <p>“As better seen in FIG. 3, in one embodiment the concavities 12b of side panels 12 are formed by folding over inwardly, and stitching with the fold-over in place, the upper ends 12c of side panels 12 where side panels 12 are stitched to the front walls 26 and waistband 22 of brief 10.” (4:19-24)</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> <p>“The material of the side panels and pouch provide the intended isolating function while improving comfort, airflow, and support for the scrotum. The mesh fabric is light and soft to reduce discomfort and improve feel for the scrotum and phallus while in contact with fabric and garment design in the sensitive groin area including the genitalia.” (4:33-38)</p> <p>“The side panels 12 and the interior and exterior layers 18’ and 18” respectively of pouch compartment 18 advantageously may share the interior seams 20 which create the pouch shape that is, seams 20 and 26a are coincident. The cooperation of the side-panels and pouch shape and construction serves to:</p> <ul style="list-style-type: none"> a) further enhance the cradle-like support of the garment through the opposed facing convex shape seam orientation of seams 26a; b) contain the genitalia while inhibiting contact between the fabric and the skin; c) further accentuate the volume and freedom of movement within pouch compartment 18 while inhibiting the genitalia from escaping pouch compartment 18.” (5:31-43) <div data-bbox="537 976 917 1388"> <p>FIG. 4</p> </div> |

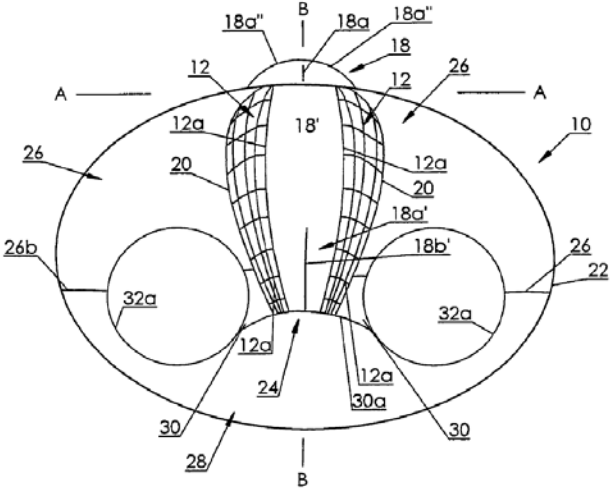
Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 84 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 8 | Exemplary Disclosure in Prior Art |
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| | |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p style="text-align: center;">FIG 8</p> |

| Claim 9 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[9] A garment according to claim 1 wherein: the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p> <p>“[0009] . . . The cover panel defines with the front panel a penis receiving space above the opening of the front panel, and a scrotum receiving space below the opening of the front panel.”</p> |

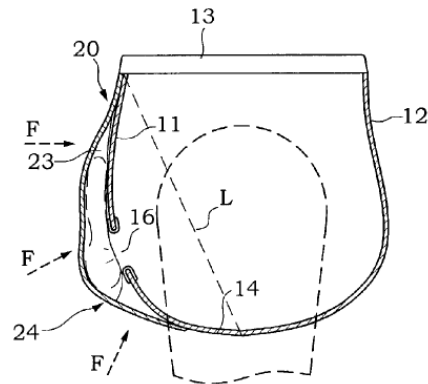
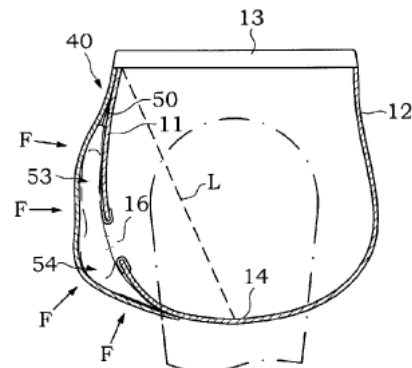
Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 86 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.</p> | <p>“[0013] FIG. 4 is a schematic front view of the first embodiment of the present invention, showing the genitals received in the penis receiving space and the scrotum receiving space.”</p> <p>“[0021] . . . When installed, the cover panel defines with the front panel 11 of the undergarment body 10 a penis receiving space and the crotch 14 a scrotum receiving space.”</p> <p>“[0022] . . . When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum.”</p> <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23. When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Referring to FIGS. 9-11, when the undergarment of the second embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the penis extended upwards and received in the tubular penis receiving space 53 defined between the front panel 11 of the undergarment body 10 and the front cover portion 47 and side cover portions 49 and 49' of the cover panel 40, and the scrotum received in the bag-like scrotum receiving space 54 defined between the front panel 11 of the undergarment body 10 and the cover panel 40 below the opening 16.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

Claim 9**Exemplary Disclosure in Prior Art****Fig. 5****Fig. 11**

Furthermore, the '571 Patent discloses this limitation. *See, e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“An underwear garment for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall. The pouch may be pear-shaped when viewed from the front. A lower extremity of the pouch extends under and rearwardly of the front wall so as to form a perineum portion for covering rearwardly past the scrotum and to the perineum of the user.” (Abstract)</p> <p>“The present invention provides a solution to the above by addressing the issues of scrotum independence from inner legs, and improved comfort and support.” (2:6-8)</p> <p>“In summary, the underwear garment according to the present invention, and for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in amid-section of a front wall depending from a waistband so as to bisect said front wall.” (2:17-22)</p> <p>“For wearing by a user having a penis, a scrotum, and a perineum an underwear garment comprising: a waistband, and a front wall depending downwardly from the front thereof, a genital pouch formed in a mid-section of said front wall so as to bisect said front wall, said pouch pear-shaped when viewed from the front and having a lower extremity thereof which extends under and rearwardly of said front wall so as to form a perineum portion for covering past the scrotum and to the perineum of the user when worn by the user” (claim 1)</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

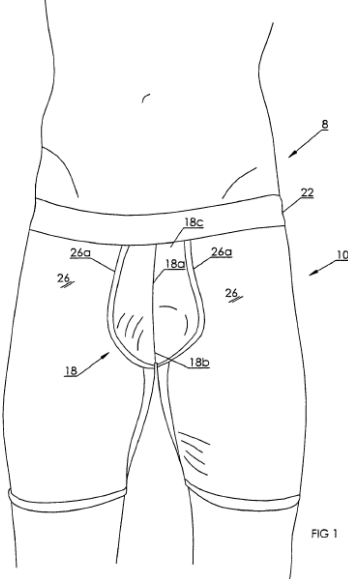
| Claim 9 | Exemplary Disclosure in Prior Art |
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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

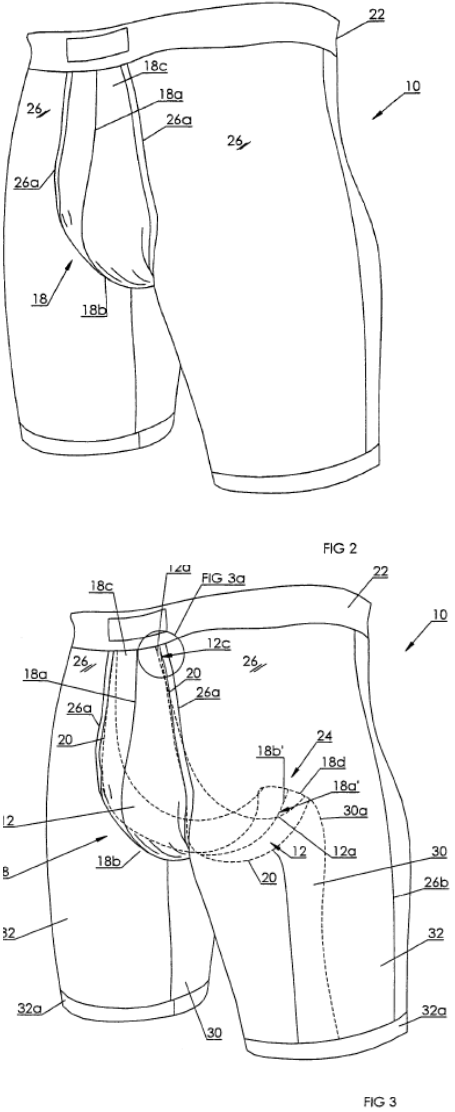
| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>FIG 1</p> <p>FIG 2</p> <p>FIG 3a</p> <p>FIG 3</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | |

| Claim 10 | Exemplary Disclosure in Prior Art |
|--|--|
| [10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend. | <p>See above regarding claim 1.</p> <p>The ’218 Publication discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>Further, the ’571 Patent discloses this limitation. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> |

| Claim 13 | Exemplary Disclosure in Prior Art |
|--|--|
| [13] A garment according to claim 1 wherein the opening has a U-shape when the stretch panel is in a relaxed state. | <p>See above regarding claim 1.</p> <p>One of ordinary skill in the art would, based on one’s knowledge and the disclosure in the ’218 Publication, alone or in combination with the ’571 Patent, understand how to modify the disclosure of the ’218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the ’218 Publication in view of one or more prior art references to meet this limitation.</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

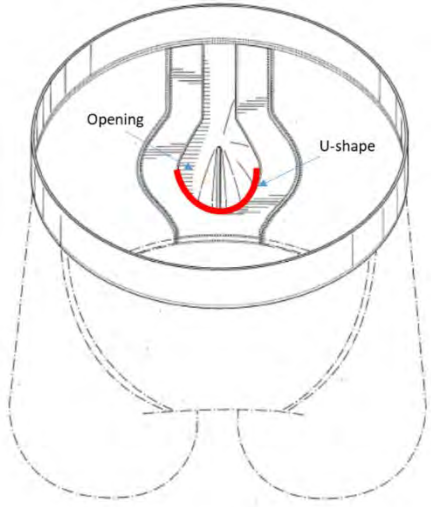
| Claim 13 | Exemplary Disclosure in Prior Art |
|----------|--|
| | <p>The '058 Design discloses a stretch panel with an opening that has a U-shape when the stretch panel is in a relaxed state. <i>See e.g.</i>,</p>  <p>FIG. 2</p> <p>WO 01/37687 discloses an opening with a U-shape when the stretch panel is in a relaxed state.</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

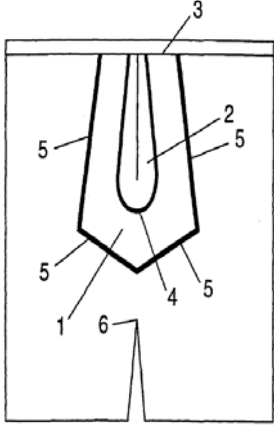
| Claim 13 | Exemplary Disclosure in Prior Art |
|--|--|
| |  <p>“It has a tear-shaped vertical opening extending from the elastic on the waistband of the underpants.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> |
| Claim 14 | Exemplary Disclosure in Prior Art |
| <p>[14] A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a stretch panel formed from a single unitary piece of woven fabric. <i>See, e.g.,</i></p> <p>“[0022] . . . As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 14 | Exemplary Disclosure in Prior Art |
|----------|--|
| | <p data-bbox="527 318 1829 383">“The men's undergarment as claimed in claim 1, wherein said cover panel is made of a piece of elastic ventilating cloth.” (Claim 2)</p> <p data-bbox="527 427 1829 493">“The men's undergarment as claimed in claim 1, wherein said cover panel is made of meshed piece of elastic cloth.” (Claim 3)</p> <div data-bbox="539 508 856 904"> <p data-bbox="672 956 756 995">Fig.3</p> </div> |

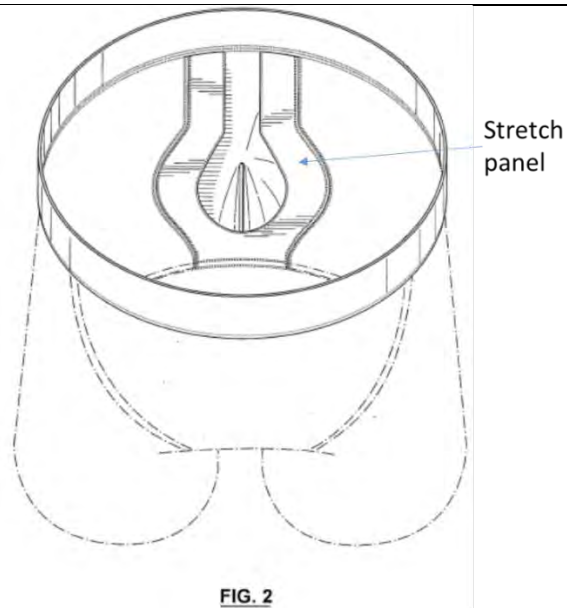
Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 95 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 14 | Exemplary Disclosure in Prior Art |
|----------|---|
| | <div data-bbox="548 326 936 719"> </div> <p data-bbox="709 768 789 800">Fig.7</p> <p data-bbox="522 862 1892 1073">To the extent Plaintiffs contend the '218 Publication, alone or in combination with the '571 Patent, does not expressly, implicitly, or inherently disclose a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p data-bbox="522 1118 1743 1151">The '058 Design discloses a stretch panel formed from a single unitary piece of fabric. <i>See e.g.,</i></p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

Claim 14**Exemplary Disclosure in Prior Art**

The '874 Publication discloses a stretch panel [rear panel 114] formed from a single unitary piece of woven fabric [fabric 108]. *See e.g.*,

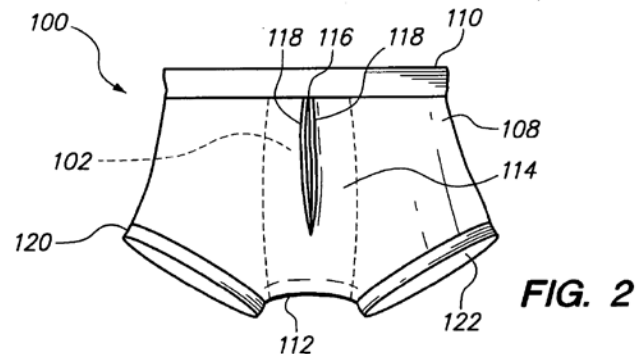


Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 97 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

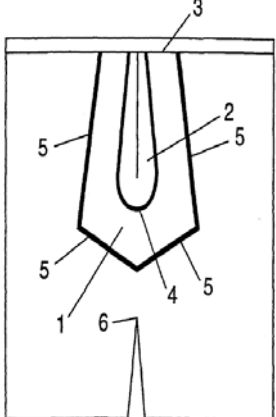
| Claim 14 | Exemplary Disclosure in Prior Art |
|--|---|
| | <p>[0022] “In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable.”</p> <p>[0024] “The rear panel 114 is also comprised of the fabric 108.”</p> <p>WO 01/37687 discloses a stretch panel formed from a single unitary piece of woven fabric. <i>See, e.g.</i>, “The invention relates to a hygienic elastic garment for men's underwear.” Abstract.</p>  |
| Claim 15 | Exemplary Disclosure in Prior Art |
| <p>[15] A garment according to claim 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.</i>,</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

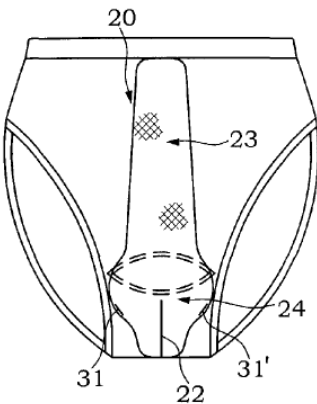
| Claim 15 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.</p> | <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. . . . Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p>  <p>Fig.3</p> <p>Furthermore, the '058 Design discloses this limitation. <i>See, e.g.,</i></p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 99 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

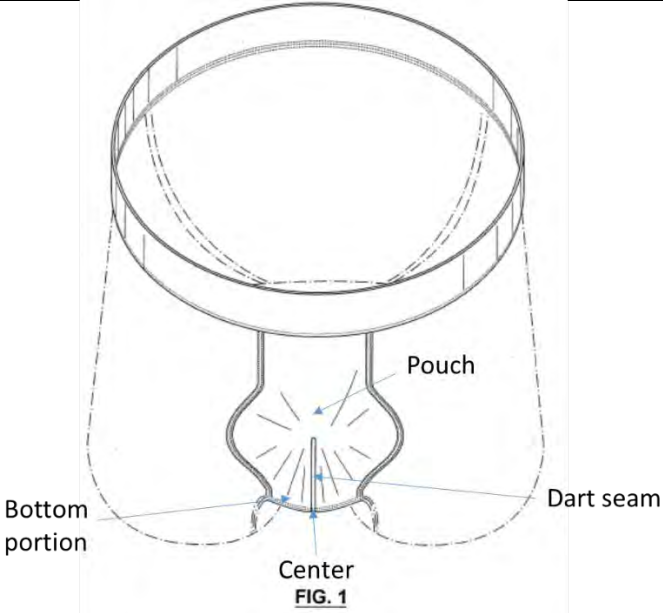
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p data-bbox="829 894 892 922">FIG. 1</p> |

Exhibit B-1**Invalidity of U.S. Patent No. 10,034,496****Page 100 of 100**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

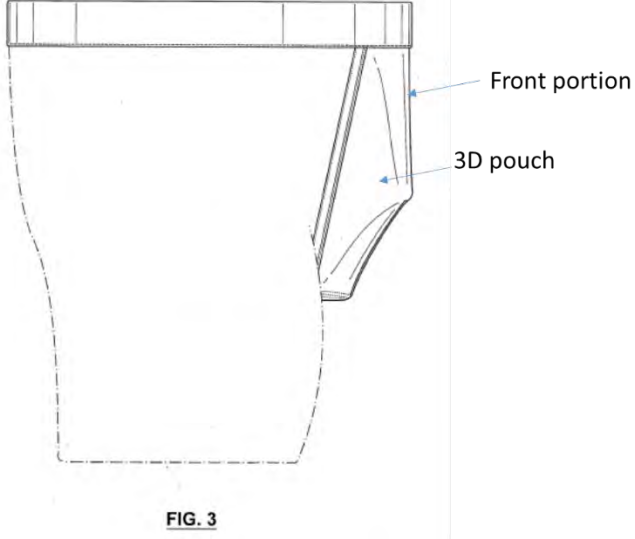
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|---|
| |  <p>FIG. 3</p> <p>Front portion</p> <p>3D pouch</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 1 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

Upon information and belief, the disclosure of U.S. Patent Publication No. 2004/0025218 (published Feb. 12, 2004) (“218 Publication”) either expressly, implicitly, or inherently anticipates the asserted claims of U.S. Patent No. 9,687,030 under 35 U.S.C. § 102 and/or renders those claims obvious under 35 U.S.C. § 103 in view of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”), and alternatively in further view of U.S. Patent Publication 2009/0106874 (published April 30, 2009) (“874 Publication”), U.S. Patent 7,631,369 (issued Dec. 15, 2009; published as US 2007/0220660 on Sept. 27, 2007) (the “369 Patent”), International Publication No. WO 98/39981 (published Sept. 17, 1998) (“WO 98/39981”), U.S. Publication No. 2007/0277285 (published Dec. 6, 2007) (the “285 Publication”), European Patent Application No. EP 0 476 818 (published March 25, 1992) (“EP 0 476 818”), Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) (the “058 Design”), and/or WO 01/37687 A1 (published May 31, 2001) (“WO 01/37687”) as set forth in the chart below.

The following contentions are subject to revision and amendment pursuant to Federal Rule of Civil Procedure 26(e) and the Court Orders in this matter subject to further investigation and discovery regarding the references.

| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| [1.pre] 1. A male garment comprising: | The '218 Publication discloses a male garment. <i>See, e.g.</i> , “A men's undergarment” (Abstract) “MEN'S UNDERGARMENT” (Title) |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 2 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

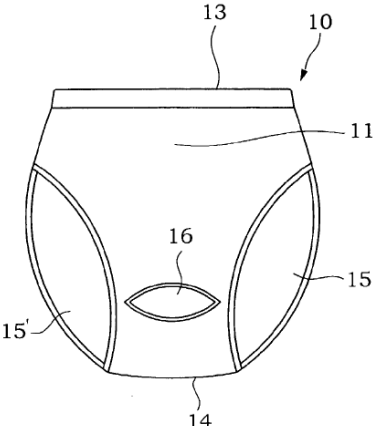
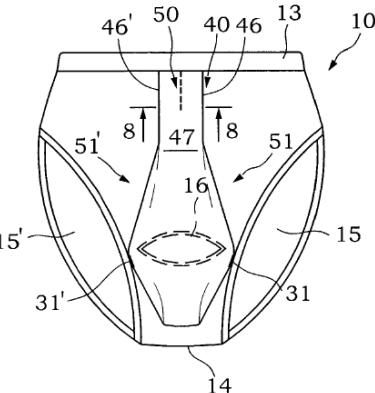
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“[0002] The present invention provides an undergarment for men and, more particularly, to such a men's undergarment that is good for the health of the user's genitals.”</p>  <p>Fig. 1</p>  <p>Fig. 7</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 3 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

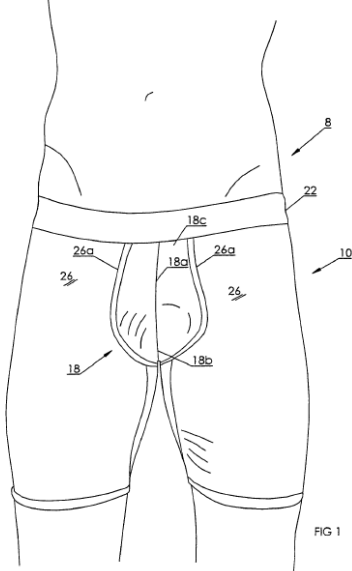
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>Furthermore, the ’571 Patent discloses this limitation. <i>See, e.g.</i>, “An underwear garment for use by a male” (Abstract) “UNDERWEAR GARMENT FOR A MALE” (Title)</p> <p>“This invention relates to the field of men's undergarments generally, and in particular to an undergarment having an improved pouch and sidewalls for supporting genitalia and decreasing irritation due to skin-to-skin friction and chaffing.” (1:12-15)</p>  <p style="text-align: right;">FIG 1</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 4 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>The top drawing is a perspective view of a pair of men's briefs (10). It shows a waistband (22), a fly (18) with a closure (18c), and side panels (26, 26a). The bottom drawing is a more detailed perspective view of the same garment, showing internal features like the fly (18b), side panels (26b), and various seams and fasteners (12, 12a, 12c, 20, 24, 30, 32, 32a). It also includes a small inset labeled 'FIG 3a' showing a detail of the fly area.</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 5 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

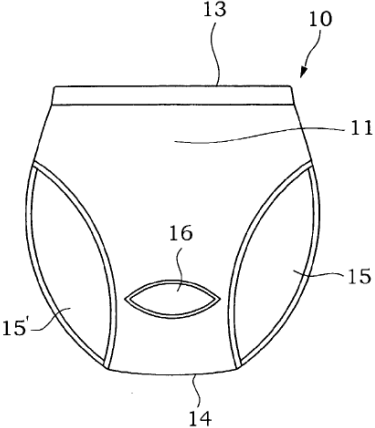
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[1.1] a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;</p> | <p>The '218 Publication discloses a body including a front portion and having leg openings for a wearer's legs. <i>See, e.g.</i>,</p> <p>“A men's undergarment having an opening in the front panel of the undergarment body thereof and a cover panel fastened to the undergarment body” (Abstract”)</p> <p>“[0009] . . . The under undergarment body comprises a front panel, a back panel, a waistband, and a crotch, and two leg holes.”</p> <p>“[0021] Referring to FIG. 1, a men's undergarment in accordance with the present invention is shown comprised of an undergarment body 10 and a cover panel. The undergarment body 10 comprises a front panel 11, a back panel 12 (see FIG. 5), a waistband 13, and a crotch 14, defining two leg holes 15 and 15'.”</p>  <p>Fig. 1</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 6 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="548 323 936 716"> </div> <p data-bbox="709 764 789 800">Fig.7</p> <p data-bbox="522 862 1843 930">The '218 Publication discloses a body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p data-bbox="522 971 1833 1039">“[0015] FIG. 6 is an extended out view of the cover panel for the men's undergarment according to the second embodiment of the present invention.”</p> <p data-bbox="522 1079 1885 1187">“[0021] Referring to FIG. 1, a men's undergarment in accordance with the present invention is shown comprised of an undergarment body 10 and a cover panel. The undergarment body 10 comprises a front panel 11, a back panel 12 (see FIG. 5), a waistband 13, and a crotch 14, defining two leg holes 15 and 15'.”</p> <p data-bbox="522 1227 1885 1404">“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 7 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

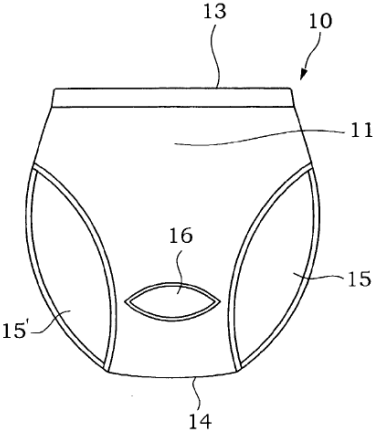
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. . . . Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p>  <p style="text-align: center;">Fig. 1</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 8 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

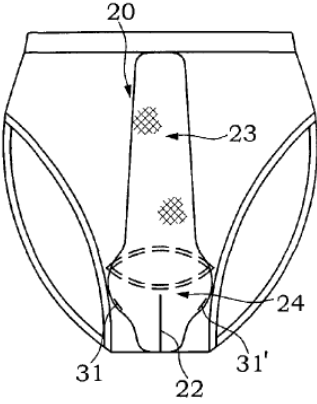
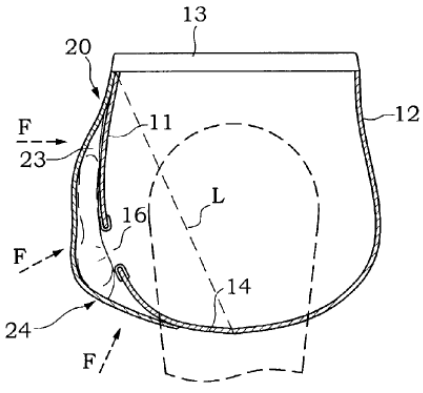
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="667 776 760 813">Fig.3</p>  <p data-bbox="699 1304 791 1341">Fig.5</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 9 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

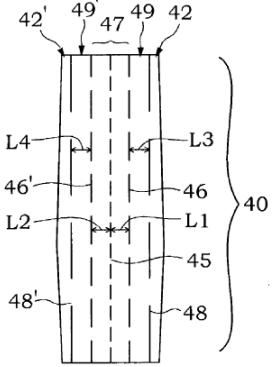
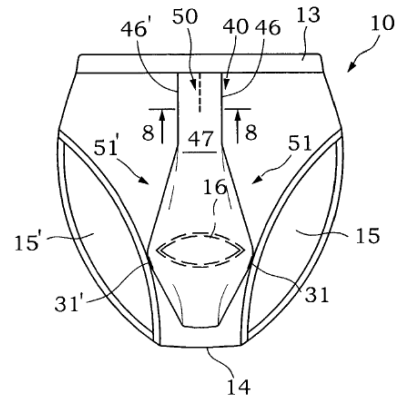
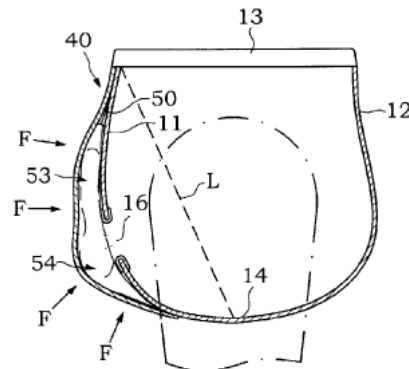
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The diagram shows a cross-section of a garment with vertical stripes. Labels 42 and 42' are at the top corners. Labels 49 and 49' are at the top center. Label 47 is between 49 and 49'. Labels 46 and 46' are on the left and right sides. Labels 45 and 48 are at the bottom. Labels 48' and 45' are at the bottom corners. Labels L1, L2, L3, and L4 are on the left side. A bracket labeled 40 is on the right side.</p> <p>Fig.6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

Furthermore, the '571 Patent discloses this limitation. *See, e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“An underwear garment for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall.” (Abstract)</p> <p>“This invention relates to the field of men's undergarments generally, and in particular to an undergarment having an improved pouch and sidewalls for supporting genitalia and decreasing irritation due to skin-to-skin friction and chaffing.” (1:12-15)</p> <p>“Gussets 30 extend laterally from the rearmost end of pouch compartment 18, where they share a common seam 30a and extend laterally down the oppositely disposed legs 32 so as to terminate at legbands 32a, it being understood that the length of gussets 30 will of course depend on the length of legs 32.” (5:56-61)</p> <p>“a waistband, and a front wall depending downwardly from the front thereof” (claim 1)</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

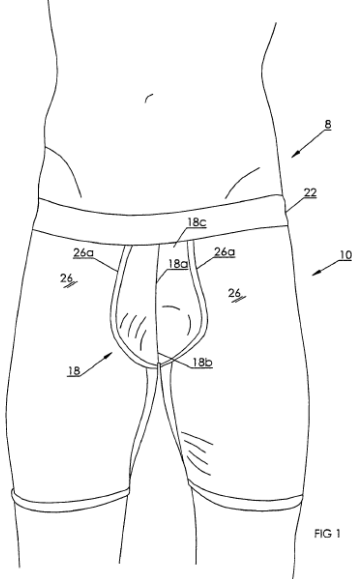
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 13 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

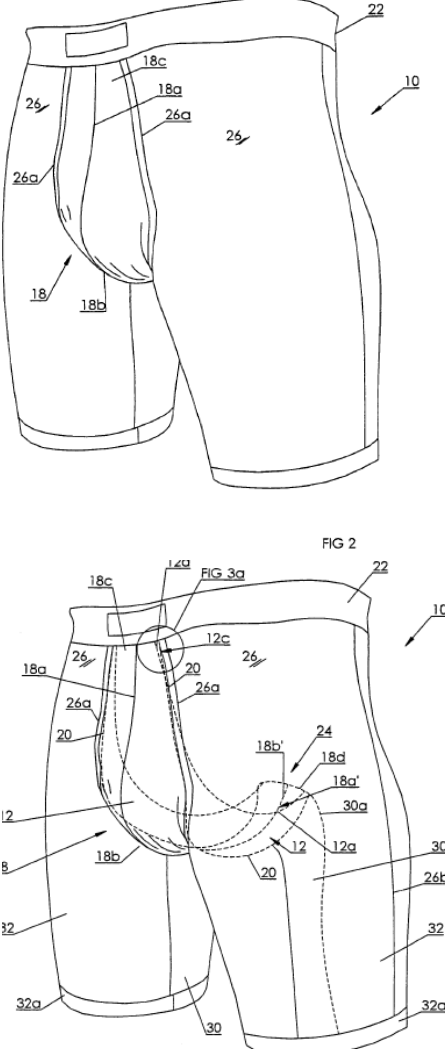
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The top drawing (FIG 2) shows a perspective view of the front of a pair of men's underwear (10). It features a waistband (22) and a fly (18) with panels 18a, 18b, and 18c. The main body of the garment includes panels 26, 26a, and 26b. The bottom drawing (FIG 3) shows a perspective view of the back of the same pair of underwear. It includes a waistband (22) and a fly (18) with panels 18a, 18b, 18c, 18d, and 18e. The main body of the garment includes panels 26, 26a, 26b, 30, 32, and 32a. The drawings are labeled with reference numerals and are identified as FIG 2 and FIG 3.</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>Furthermore, the '369 Patent discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>“The stability anchor 18 connects the groin portion 14 to the back portion 16 by extending from the groin portion 14 to the back portion 16 while laterally following the contour of the inner thigh portions of the leg portions 20 and being connected to the leg portions 20.” (3:20-24)</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 15 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

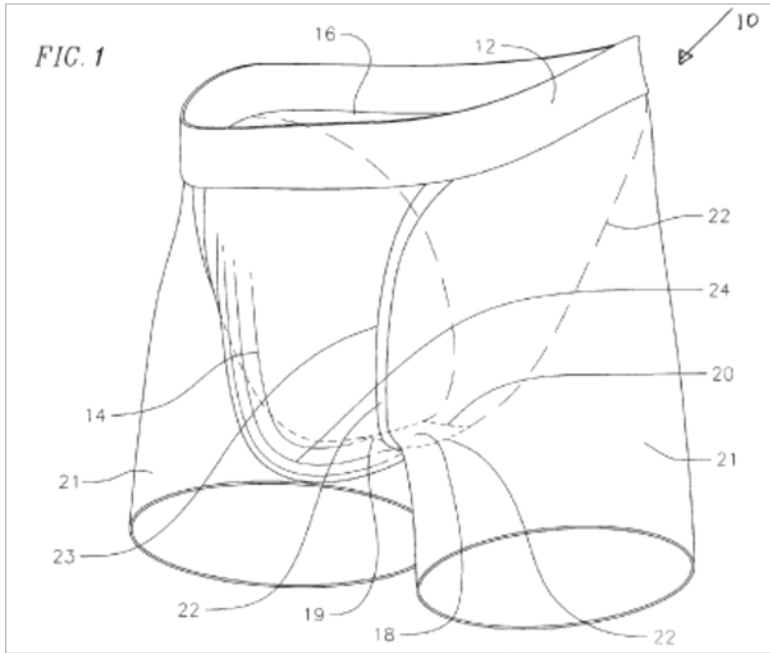
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>FIG. 1</p> <p>Furthermore, WO 98/39981 discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>“The style of the underpants providing an outer garment are conventional boxer shorts which is a style known and found to be very comfortable for normal usage. In accord with this embodiment there are full legs 2 and 3, and a joining panel 4 which is joined to leg panels 5 and 6 by seams 7 and 8. Seams 7 and 8 support a front panel 9 which is openable along the join at 10 and there is a back panel 11 behind this the</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 16 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

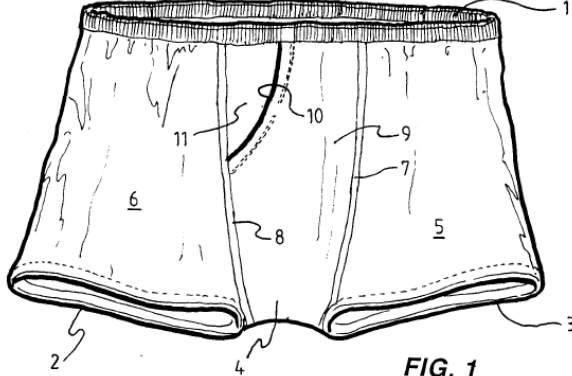
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>joining edge of which is shown for instance in FIG 2 at 12 so that for normal purposes of relief, the penis can be manoeuvred between the several panels.” (3:22-4:4)</p>  <p style="text-align: center;">FIG. 1</p> |

Exhibit B-2

Invalidity of U.S. Patent No. 9,687,030

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

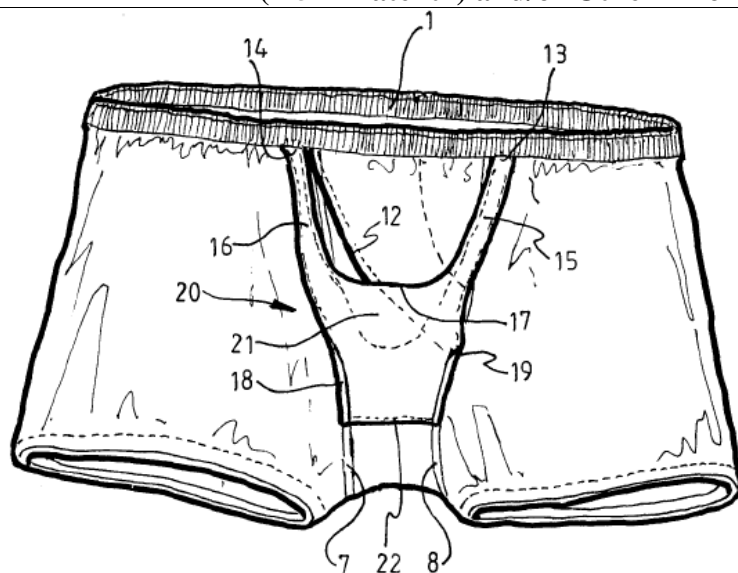


FIG. 2

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

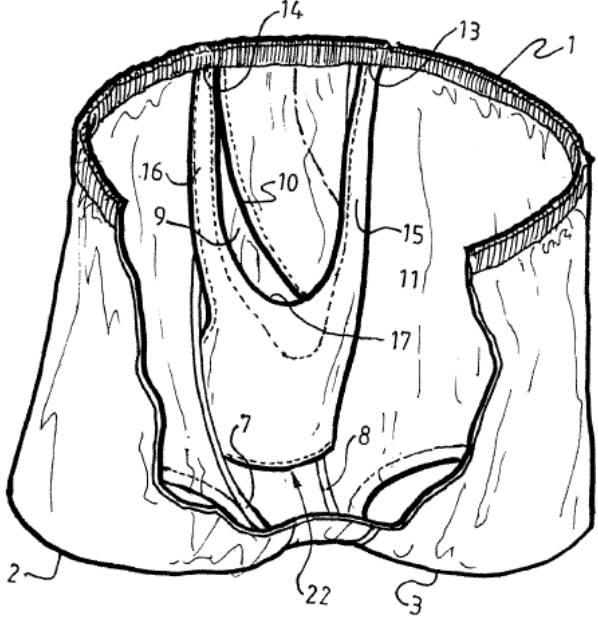
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p style="text-align: center;">FIG. 4</p> <p>Furthermore, the '285 Publication discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>“[0028] FIG. 7 shows is a frontal perspective view of a second, alternative embodiment of the multipurpose undergarment in accordance with the invention. In this embodiment, the undergarment shown generally at 70 again includes front leg portions 71 and 72 with corresponding leg openings 78a and 78b and includes a conventional front opening (fly) 73 secured by stitching to the front panel as shown at 75.”</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 19 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

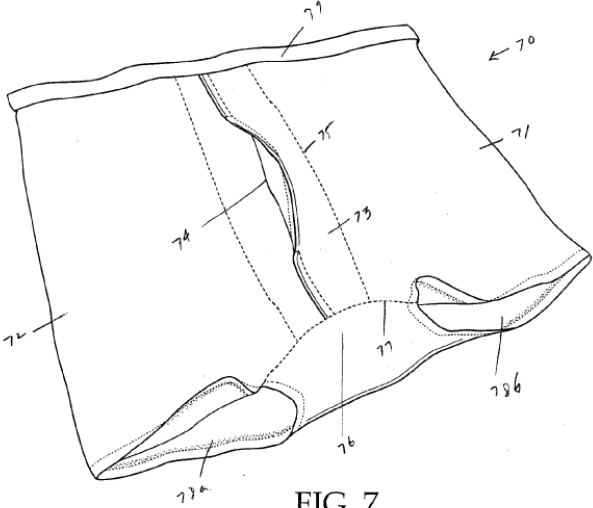
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“[0029] Not unlike the embodiment depicted in FIG. 1, the top edge of the pouch as shown in FIG. 7 can be secured to the interior of the undergarment along the elastic waste band (shown generally at 79). The bottom edge can likewise be secured along the bottom portion 76 of the undergarment as shown along line 77.”</p>  <p style="text-align: center;">FIG. 7</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 20 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

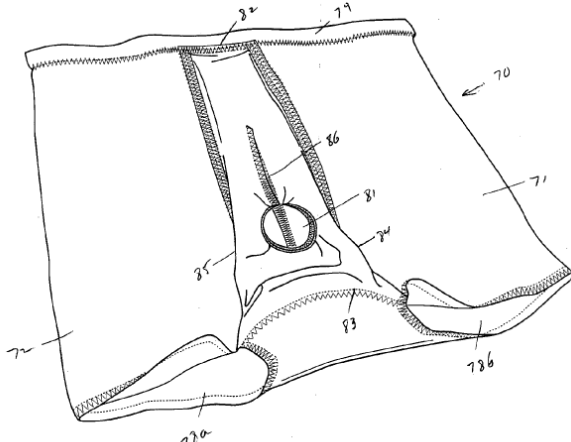
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| |  <p style="text-align: center;">FIG. 8</p> <p>During prosecution of U.S. Pat. No. 9,687,030, the Applicant did not dispute that the '285 Publication meets this element. (See Amendment, July 8, 2014, pages 6-7.)</p> |
| <p>[1.2] a waistband attached by a waistband seam at an upper edge of the body;</p> | <p>The '218 Publication discloses a waistband attached by a waistband seam at an upper edge of the body. <i>See, e.g.,</i></p> <p>“[T]he cover panel having top and bottom ends . . . fixedly fastened to waistband” (Abstract)</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0023] . . . The top and bottom ends of the well-folded cover panel 40 are then respectively stitched to the waistband 13 and crotch 14 of the undergarment body 10.”</p> |

Exhibit B-2

Invalidity of U.S. Patent No. 9,687,030

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="539 318 938 755"> <p>Fig. 1</p> </div> <div data-bbox="539 821 865 1226"> <p>Fig. 3</p> </div> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 22 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

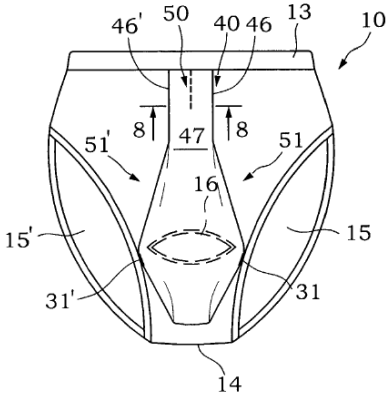
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="709 768 789 800">Fig.7</p> <p data-bbox="522 824 1339 857">Furthermore, the '571 Patent discloses this limitation. <i>See, e.g.,</i></p> <p data-bbox="522 898 1881 1003">“An underwear garment for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall.” (Abstract)</p> <p data-bbox="522 1044 1871 1187">“In summary, the underwear garment according to the present invention, and for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in amid-section of a front wall depending from a waistband so as to bisect said front wall.” (2:17-22)</p> <p data-bbox="522 1227 1850 1300">“In one embodiment this is done where the side panels extend up to the waistband, and where the pouch also extends between the side panels substantially up to the waistband.” (2:54-57)</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 23 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“The two side panels 12 thus separate the scrotum 14 from contacting the inner thighs and legs of the user, such separation extending from the waistband 22 to the perineum area 24 which extends under the buttocks of user.” (3:64-67)</p> <p>“Viewed from the exterior of the pouch from compartment 18 appears bordered laterally by a pair of opposed facing curved (for example convex shaped) seams 26a bordered at the upper end 18c by waistband 22 and at the lower, rearmost end 18d by perineum area 24 adjacent the posterior perineum.” (5:8-12)</p> <p>“The sides of the exterior of pouch compartment 18 are defined by parallel seams 26a which track from the waistband 22 to the perineum area 24.” (5:18-20)</p> <p>“The garment of claim 2 wherein said side panels extend substantially up to said waistband.” (claim 9)</p> <p>“The garment of claim 9 wherein said pouch extends between said side panels substantially up to said waistband.” (claim 10)</p> <p>“The garment of claim 1 wherein said side panels extend upwards so as to contact said waistband.” (claim 11)</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

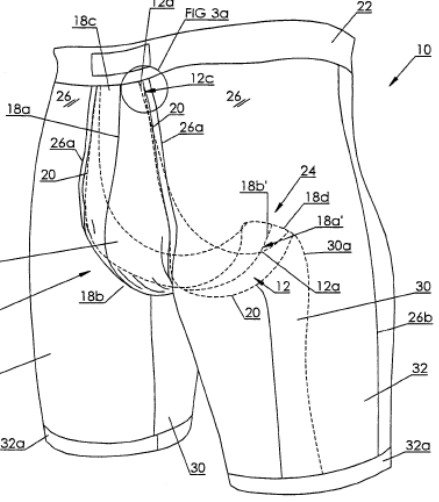
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| |  <p style="text-align: center;">FIG. 3</p> |
| <p>[1.3] a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front</p> | <p>The '218 Publication discloses a stretch panel attached to the body inside the front portion. <i>See, e.g.</i>,</p> <p>“[0009] The cover panel has top and bottom ends respectively fixedly fastened to the waistband and the crotch”</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

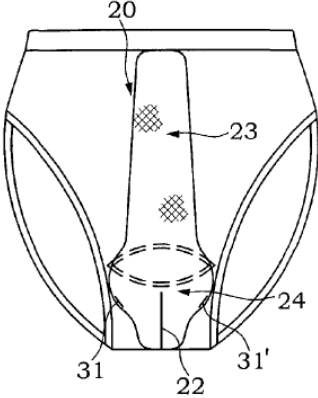
| Claim 1 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;</p> | <p>opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status. Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p>  <p style="text-align: center;">Fig.3</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

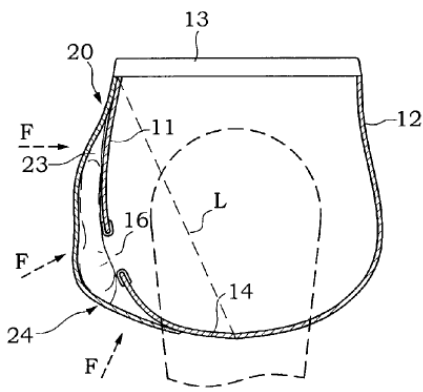
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="693 730 798 779">Fig. 5</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

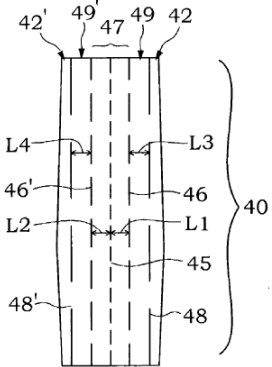
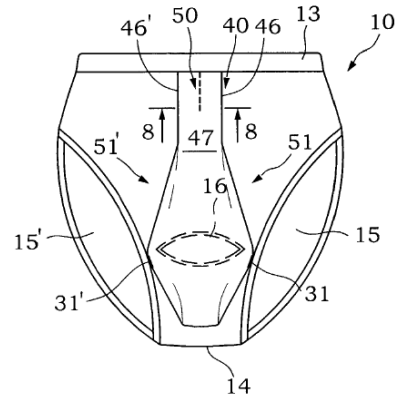
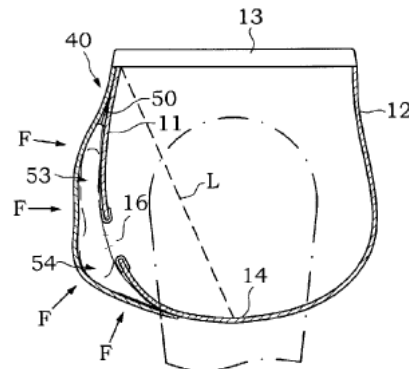
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The diagram shows a cross-section of a garment with vertical stripes. Labels 42 and 42' are at the top corners. Labels 49 and 49' are at the top center. Label 47 is between 49 and 49'. Labels 46 and 46' are on the left and right sides. Labels 45 and 48 are at the bottom. Labels 48' and 45' are at the bottom corners. Labels L1, L2, L3, and L4 are on the left side. A bracket labeled 40 is on the right side.</p> <p>Fig.6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

The '218 Publication discloses a stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at the waistband seam, a bottom edge attached at the first

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals. <i>See, e.g.,</i></p> <p>“[0009] The cover panel has top and bottom ends respectively fixedly fastened to the waistband and the crotch”</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status. Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23. When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40.”</p> <p>“The men's undergarment as claimed in claim 1, wherein said cover panel has an upper part, which defines with said undergarment body said penis receiving space, and two smoothly arched side flaps symmetrically bilaterally formed integral with a lower part thereof and defining with said undergarment body said scrotum receiving space.” (Claim 4)</p> <p>“The men's undergarment as claimed in claim 5, wherein the outer portion of each of said arched side flap is respectively stitched to said undergarment body, forming a respective stitched line.” (Claim 6)</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

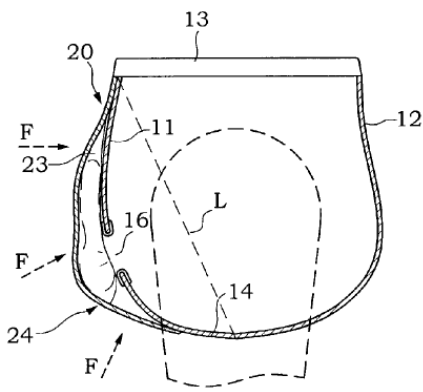
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="693 730 798 779">Fig. 5</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

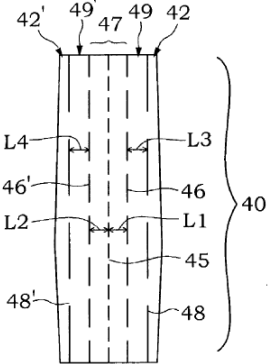
| Claim 1 | Exemplary Disclosure in Prior Art |
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| |  <p data-bbox="606 943 684 976">Fig.6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="520 318 924 683"> </div> <p data-bbox="688 753 789 789">Fig. 11</p> <p data-bbox="520 846 1883 914">The '218 Publication discloses an opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See, e.g.,</i></p> <p data-bbox="520 954 1862 1096">“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23.”</p> <p data-bbox="520 1136 1892 1243">“[0026] . . . Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p data-bbox="520 1284 1843 1352">“[0027] . . . Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art**

“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened.”

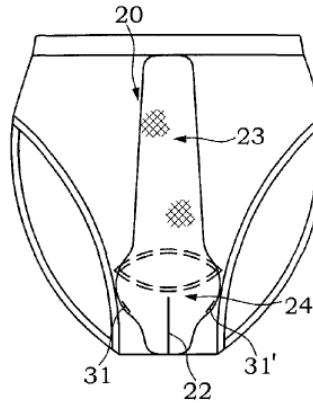
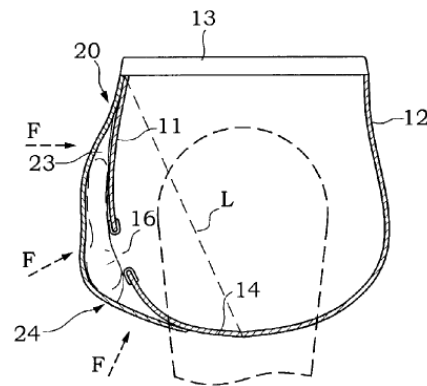
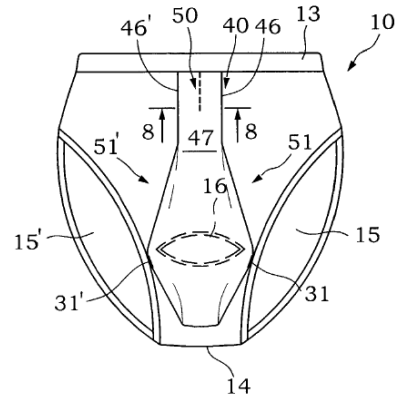
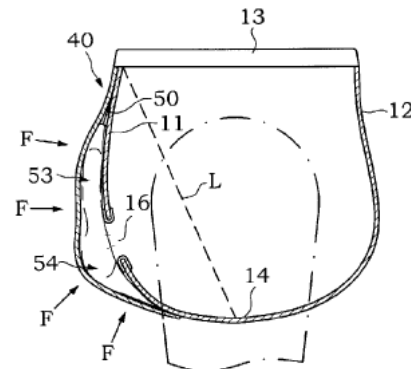
**Fig.3****Fig.5**

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a stretch panel attached to the body inside the front portion having a top edge attached to the body at the

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 36 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The '571 Patent discloses a stretch panel attached to the body inside the front portion having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See e.g.</i>,</p> <p>“An underwear garment for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall.” (Abstract)</p> <p>“Angheluta discloses a man's garment, particularly a man's underwear garment, providing a codpiece compartment secured to a front of a trunk panel of the garment. The trunk panel provides an opening for communicating a man's genitals therethrough into the codpiece compartment.” (1:50-54)</p> <p>“Further advantageously, the pouch has an inner lining which is smooth and seamless over a central penis-covering portion thereof, and the concavities of the side panels are formed at least in part by folding laterally inwardly and stitching uppermost ends of the side panels so as to fold over an uppermost edge of the side panels. In one embodiment this is done where the side panels extend up to the waistband, and where the pouch also extends between the side panels substantially up to the waistband.” (2:49-57)</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“With reference to the accompanying drawings wherein similar characters of reference denote corresponding parts in each view, a conventional pair of so-called boxer style briefs 10 are modified in the present invention by adding interior side-panels 12, preferably constructed of an elasticized breathable mesh fabric, for the purpose of isolating the genitalia, in particular scrotum 14 and phallus 16 (shown diagrammatically in dotted outline in FIG. 7), into the pouch compartment 18, thereby isolating the genitalia from contacting the inner thighs and legs of the user 8 wearing the briefs.” (3:27-37)</p> <p>“As seen in the interior of briefs 10, side panels 12 are formed of two separate and substantially parallel pieces of mesh fabric attached to the laterally spaced apart pouch seams 20.” (3:37-40)</p> <p>“The side panels 12 form a pair of generally parallel fences which extend upwardly from, and along, seams 20 so as to extend their uppermost edges 12a upwardly substantially completely into the crack or fold between the laterally outer sides of scrotum 14 and the top of the inner thighs, that is, along the fold of skin where the top of the inner thighs join the top of the scrotum along a lower-most aspect of the abdomen of user 8. This joint, where the inner thighs and scrotum join along a fold line, is defined generally by both the shape and the location when worn of the upper-most arcuate edges 12a of side panels 12.” (3:41-51)</p> <p>“The two side panels 12 thus separate the scrotum 14 from contacting the inner thighs and legs of the user, such separation extending from the waistband 22 to the perineum area 24 which extends under the buttocks of user.” (3:64-67)</p> <p>“Those oppositely disposed convexities of course define an opposed facing pair of genitalia-supporting concavities 12b which, because of the flexibility and elasticity of the mesh side panel material, mould to gently conform to the shape of scrotum 14 in particular and allow for resiliently supported relative movement of the scrotum relative to the pubis and perineum 24 of user 8, side panels 12 resiliently cradling and biasing the scrotum back into its naturally resting position symmetrically depending below the pubis and base of the penis 16.” (4:10-19)</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“As better seen in FIG. 3, in one embodiment the concavities 12b of side panels 12 are formed by folding over inwardly, and stitching with the fold-over in place, the upper ends 12c of side panels 12 where side panels 12 are stitched to the front walls 26 and waistband 22 of brief 10.” (4:19-24)</p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> <p>“The material of the side panels and pouch provide the intended isolating function while improving comfort, airflow, and support for the scrotum. The mesh fabric is light and soft to reduce discomfort and improve feel for the scrotum and phallus while in contact with fabric and garment design in the sensitive groin area including the genitalia.” (4:33-38)</p> <p>“The side panels 12 and the interior and exterior layers 18’ and 18” respectively of pouch compartment 18 advantageously may share the interior seams 20 which create the pouch shape that is, seams 20 and 26a are coincident. The cooperation of the side-panels and pouch shape and construction serves to:</p> <ul style="list-style-type: none"> a) further enhance the cradle-like support of the garment through the opposed facing convex shape seam orientation of seams 26a; b) contain the genitalia while inhibiting contact between the fabric and the skin; c) further accentuate the volume and freedom of movement within pouch compartment 18 while inhibiting the genitalia from escaping pouch compartment 18.” (5:31-43) |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 39 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

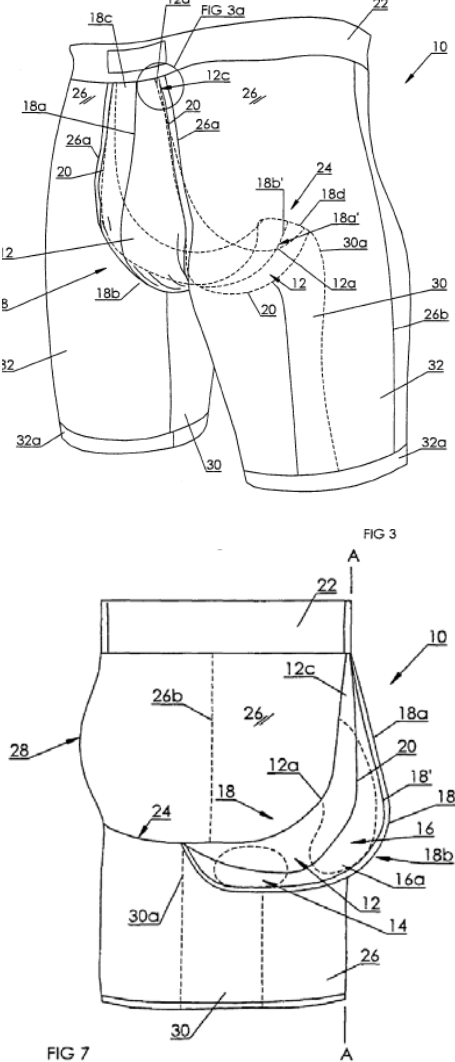
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>FIG 3a</p> <p>FIG 7</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

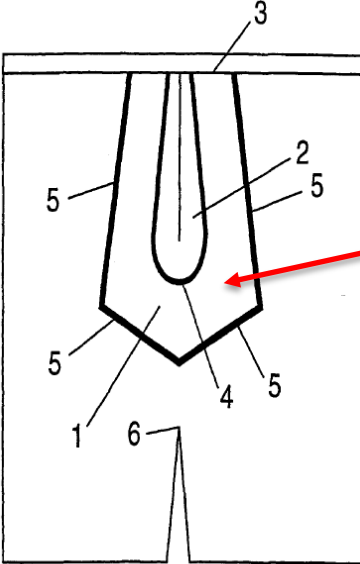
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>WO 01/37687 discloses a stretch panel attached to the body inside the front portion. <i>See, e.g.,</i></p>  <p style="text-align: right; border: 1px solid black; padding: 2px;">Stretch panel</p> <p>“The invention relates to a hygienic elastic garment for men’s underwear, which forms part and is sewn to classic underpants.” Abstract.</p> <p>“the garment is sewn to the inner front part of the underpants” Abstract.</p> <p>WO 01/37687 discloses a stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals. <i>See, e.g.,</i></p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 41 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

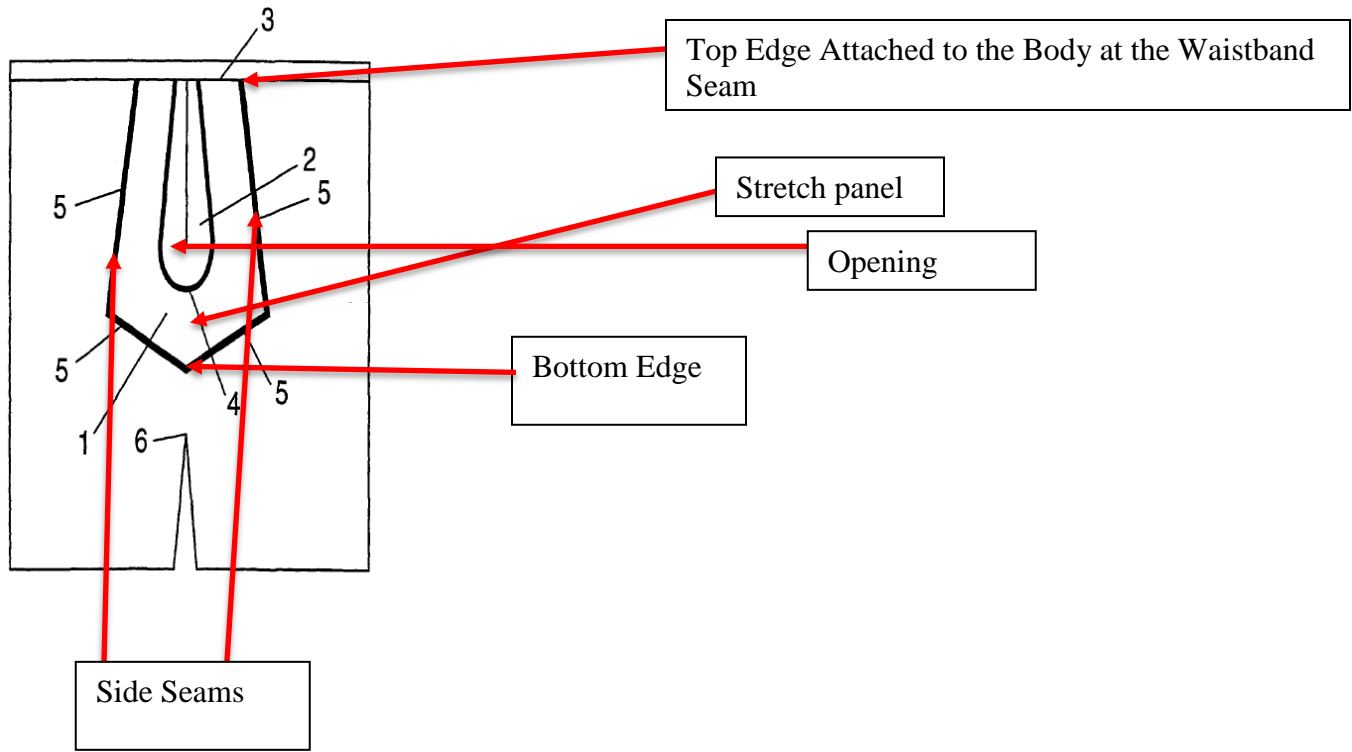
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| | <p>“elastic garment.” Abstract.</p>  <p>The diagram shows a cross-section of a garment with the following labels and arrows:</p> <ul style="list-style-type: none"> Top Edge Attached to the Body at the Waistband Seam: Points to the top edge of the garment (labeled 3). Stretch panel: Points to the central elastic region (labeled 2). Opening: Points to the central opening (labeled 4). Bottom Edge: Points to the bottom edge of the garment (labeled 5). Side Seams: Points to the side edges of the garment (labeled 1 and 6). <p>Other numbers in the diagram include 5, which appears multiple times along the side and bottom edges, and 4, which is the central opening.</p> |
| <p>[1.4] the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge</p> | <p>The '218 Publication discloses a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. <i>See, e.g.,</i></p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 42 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>and in a direction between the side edges, the stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn.</p> | <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status.”</p> <p>“[0023] . . . The top and bottom ends of the well-folded cover panel 40 are then respectively stitched to the waistband 13 and crotch 14 of the undergarment body 10.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] . . . When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

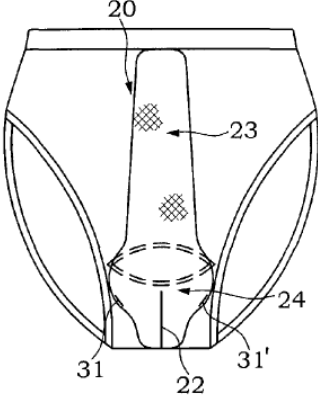
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>penis from falling to the outside of the cover panel 40. Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> <p>“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened. The length of the stitched line 50 is determined subject to the size and style of the undergarment. Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p>  <p style="text-align: center;">Fig.3</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

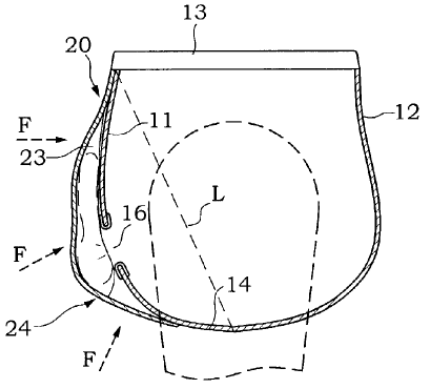
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="701 743 785 781">Fig.5</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

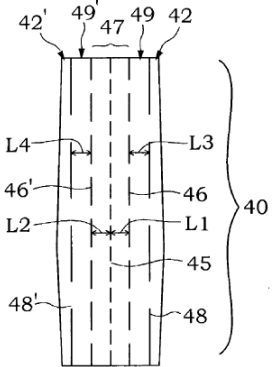
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The diagram shows a cross-section of a garment with vertical stripes. Labels 42 and 42' are at the top corners. Labels 49 and 49' are at the top center. Label 47 is between 49 and 49'. Labels 46 and 46' are on the left and right sides. Labels 45 and 48 are at the bottom. Labels 48' and 45' are at the bottom corners. Labels L1, L2, L3, and L4 are on the left side. A bracket labeled 40 is on the right side.</p> <p>Fig.6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

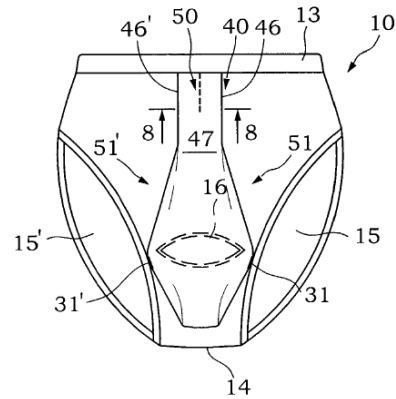
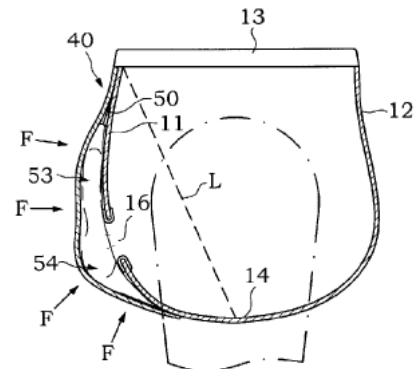
Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>The '218 Publication discloses a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams. <i>See, e.g.,</i></p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] . . . When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

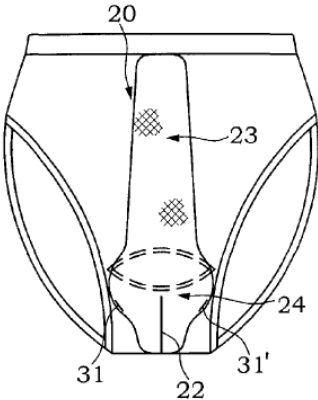
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40. Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> <p>“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened. The length of the stitched line 50 is determined subject to the size and style of the undergarment. Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p>  <p style="text-align: center;">Fig.3</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

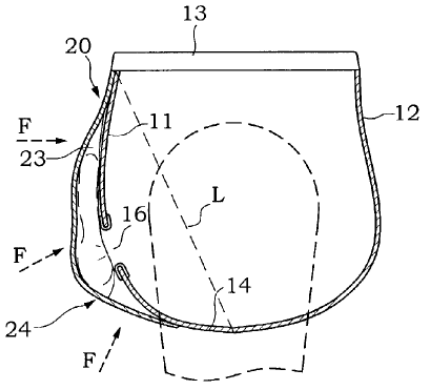
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="701 743 785 781">Fig. 5</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 50 of 97**

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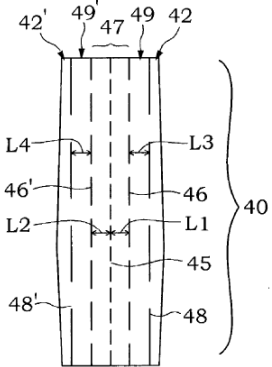
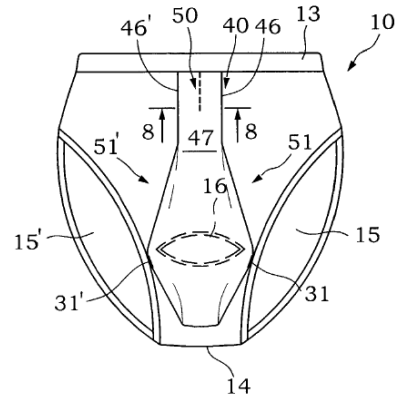
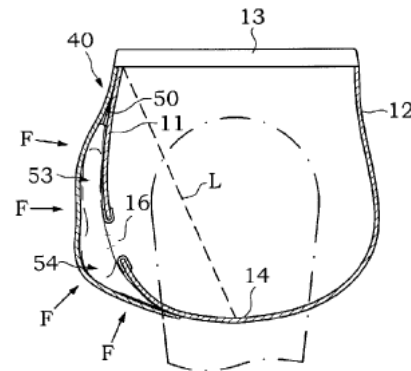
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The diagram shows a cross-section of a garment with vertical stripes. Labels 42 and 42' are at the top corners. Labels 49 and 49' are at the top center. Label 47 is between 49 and 49'. Labels 46 and 46' are on the left and right sides. Labels 45 and 48 are at the bottom. Labels 48' and 45' are at the bottom corners. Labels L1, L2, L3, and L4 are on the left side. A bracket labeled 40 is on the right side.</p> <p>Fig.6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

The front portion of the '218 Publication defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer's genitals. *See, e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] . . . When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40. Because the three-dimensional profile of the cover</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

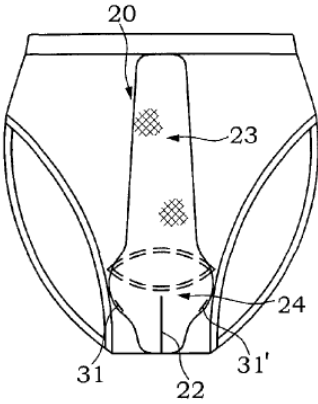
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> <p>“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened. The length of the stitched line 50 is determined subject to the size and style of the undergarment. Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p>  <p>Fig.3</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

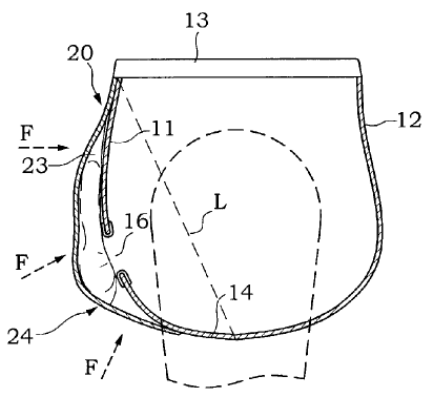
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="693 730 798 779">Fig. 5</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

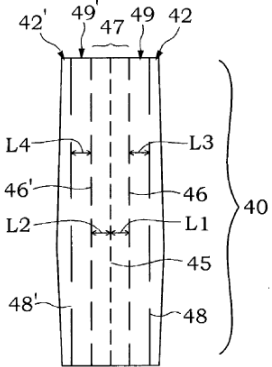
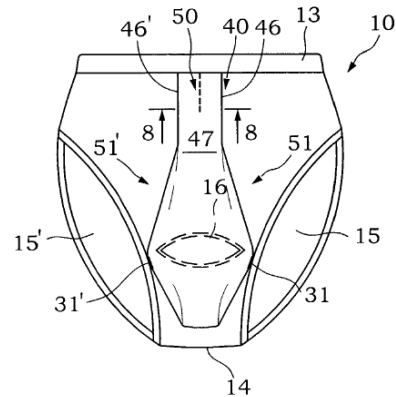
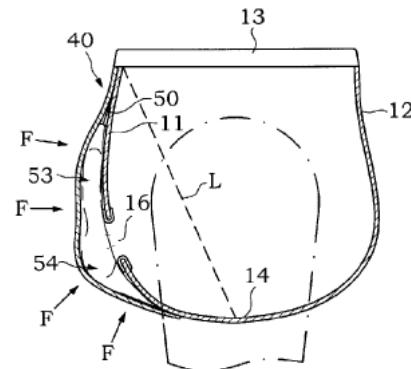
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The diagram shows a cross-section of a garment with vertical stripes. Labels 42 and 42' are at the top corners. Labels 49 and 49' are at the top center. Label 47 is between 49 and 49'. Labels 46 and 46' are on the left and right sides. Labels 45 and 48 are at the bottom. Labels 48' and 45' are at the bottom corners. Labels L1, L2, L3, and L4 are on the left side. A bracket labeled 40 is on the right side.</p> <p>Fig.6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a stretch panel having a length when unstretched smaller than a length measured along the front portion

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion, one of ordinary skill in the art would, based on one’s knowledge and the ’218 Publication, understand how to modify the disclosure of the ’218 Publication on to meet this limitation. Alternatively, one of ordinary skill could modify the ’218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The ’571 Patent discloses the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> <p>“Those oppositely disposed convexities of course define an opposed facing pair of genitalia-supporting concavities 12b which, because of the flexibility and elasticity of the mesh side panel material, mould to gently conform to the shape of scrotum 14 in particular and allow for resiliently supported relative movement of the scrotum relative to the pubis and perineum 24 of user 8, side panels 12 resiliently cradling and biasing the scrotum back into its naturally resting position symmetrically depending below the pubis and base of the penis 16.” (4:10-19)</p> <p>“The side panels 12 and the interior and exterior layers 18’ and 18” respectively of pouch compartment 18 advantageously may share the interior seams 20 which create the pouch shape that is, seams 20 and 26a are coincident. The cooperation of the side-panels and pouch shape and construction serves to:</p> <ul style="list-style-type: none"> a) further enhance the cradle-like support of the garment through the opposed facing convex shape seam orientation of seams 26a; b) contain the genitalia while inhibiting contact between the fabric and the skin; c) further accentuate the volume and freedom of movement within pouch compartment 18 while inhibiting the genitalia from escaping pouch compartment 18.” (5:31-43) |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

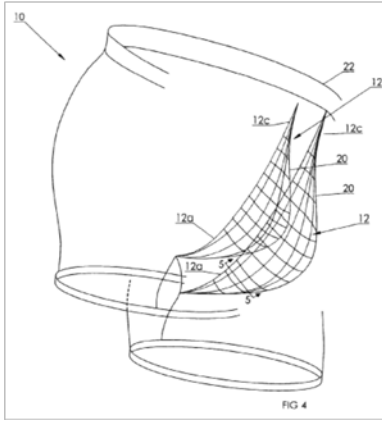
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>Alternatively, one of ordinary skill in the art would understand how to make a garment wherein the front portion is gathered from side-to-side and top-to-bottom by the stretch panel, wherein the stretch panel has a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams. For example, EP O 476 818 teaches a method of gathering from side-to-side and top-to-bottom by an elastic fabric. <i>See, e.g.,</i></p> <p>“The garment now has a waist opening 31 and in accordance with the present invention, an elasticated band 32 is secured in face to face contact to a marginal portion 33 of the garment surrounding the waist opening 31. The band 32 is secured to the garment whilst in a tensioned condition (i.e. stretched condition) so that on relaxation, the fabric of the marginal portion 33 is ruched thereby enabling the band to stretch when the garment is being worn.” (4:4-12)</p> <p>“The operative inserts the garment over the band, drops the presser foot 56, sews a pre-set number of stitches, typically two or three, after which the roller 59 drops automatically, and the metering device 62 automatically reverses to apply the pre-programmed tension to the band so that the ruched effect can be</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 59 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|-----------------------------------|
| | achieved.” (6:47-53) |

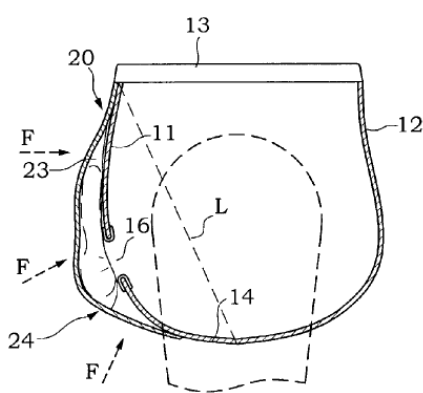
| Claim 2 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[2] A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See, e.g.,</i></p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p>  <p style="text-align: center;">Fig.5</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 60 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

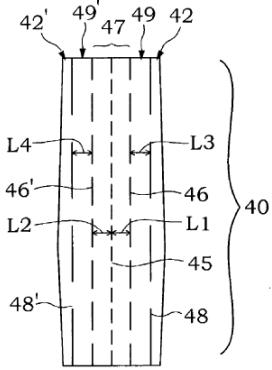
| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The diagram shows a cross-section of a garment with multiple vertical panels and horizontal layers. Labels include: 42' (top left), 49' (top center), 47 (top center), 49 (top right), 42 (top right), L4 (middle left), L3 (middle right), 46' (lower middle left), 46 (lower middle right), L2 (lower middle left), L1 (lower middle right), 45 (lower middle right), 48' (bottom left), and 48 (bottom right). A bracket on the right side groups the central layers and is labeled 40.</p> <p>Fig.6</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 61 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="520 318 924 683"> </div> <p data-bbox="688 753 789 789">Fig. 11</p> <p data-bbox="520 846 1854 1094">To the extent Plaintiffs contend the '218 Publication, alone or in combination with the '571 Patent, does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p data-bbox="520 1138 1877 1208">The '369 Patent discloses asymmetrical stretch characteristics of a fabric such that it stretches more easily in one direction and less easily in a direction at right angles to the first direction. <i>See, e.g.,</i></p> <p data-bbox="520 1247 1892 1425">“With reference to FIG. 3, the warp knit is generally known in the art for having strands 26 running substantially parallel along a direction 27 of the fabric. Lateral threads 28 running substantially perpendicular to the strands 26 and in a direction 29 encircle sets of two strands 26 at once. Each adjacent lateral thread 28 encircles one of the two strands 26 in the first set and one of the two strands 26 from the second set. This pattern is repeated throughout. The warp knit, by virtue of having parallel strands 26 along</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 62 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

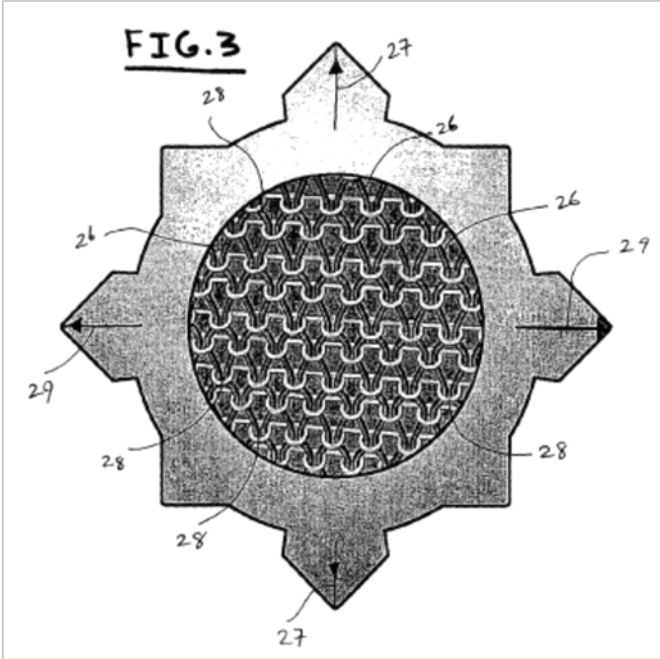
| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>the direction 27 of the fabric, is resistant to stretch in the direction 27 when compared to other knitted fabrics, which may undesirably stretch. Thus, the warp knit fabric stretches less along the direction 27 than along the direction 29.” (2:40-52)</p> <p>“The warp knit fabric used to form the groin portion 14 can stretch a relatively greater amount in the horizontal direction, roughly parallel to the waistband, than in the vertical direction. The ability to stretch in the horizontal direction allows for the accommodation of different sizes and shapes of male genitals. The groin portion stretches in the horizontal direction to accommodate the genitals of the supporter user while maintaining slight pressure on the genitals in the horizontal direction, thus aiding the cupping and compression functions of the supporter 10.” (3:1-10)</p>  |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 2 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>The '874 Publication discloses a stretch panel [rear panel 114] that has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See e.g.</i>, [0022 and 0024].</p> <p>[0022] “In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable.”</p> <p>[0024] “The rear panel 114 is also comprised of the fabric 108.”</p> |

| Claim 5 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[5] A garment according to claim 1 wherein the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%. <i>See, e.g.</i>,</p> <p>“[T]he cover panel having top and bottom ends . . . fixedly fastened to waistband” (Abstract)</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0023] . . . The top and bottom ends of the well-folded cover panel 40 are then respectively stitched to the waistband 13 and crotch 14 of the undergarment body 10.”</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 64 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

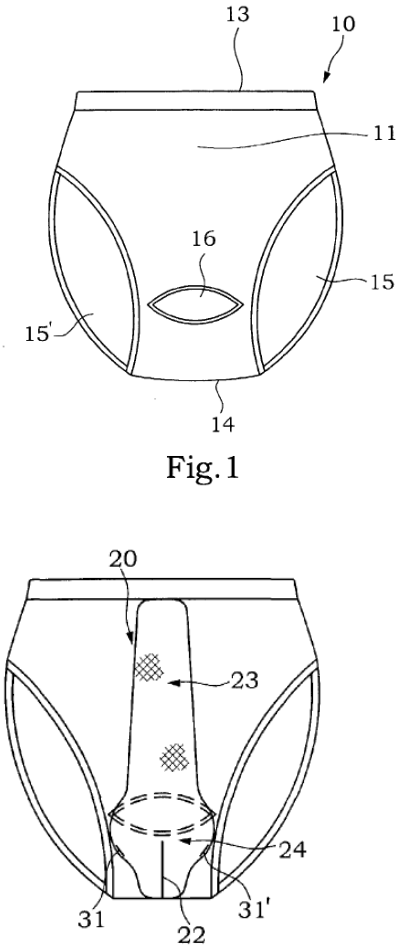
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>Fig. 1 is a perspective view of a pair of underwear (10) showing a waistband (13), side panels (11), and a crotch panel (14). The crotch panel (14) includes a central opening (16) and side panels (15).</p> <p>Fig. 3 is a perspective view of a pair of underwear (20) showing a waistband (20), side panels (23), and a crotch panel (22). The crotch panel (22) includes a central opening (24) and side panels (31, 31').</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 65 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

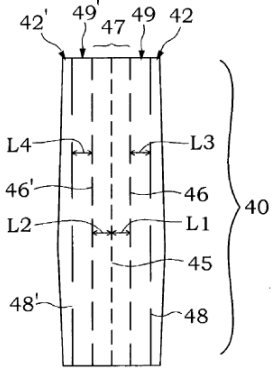
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>The diagram shows a cross-section of a garment with multiple vertical panels and horizontal layers. Labels include 42' and 42 at the top edges, 49' and 49 at the top corners, 47 in the center top, L4 and L3 on the left and right sides, 46' and 46 in the middle, L2 and L1 on the left and right sides, 45 in the center, 48' and 48 at the bottom edges, and 40 as a bracketed group on the right side. A dashed vertical line runs through the center.</p> <p>Fig.6</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 66 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="548 326 936 721" data-label="Image"> </div> <p data-bbox="709 768 789 800">Fig.7</p> <p data-bbox="522 862 1892 1076">To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a garment where the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p data-bbox="522 1118 1864 1224">The '571 Patent is a garment where the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%. <i>See e.g.</i>,</p> <p data-bbox="522 1265 1854 1333">“In one embodiment this is done where the side panels extend up to the waistband, and where the pouch also extends between the side panels substantially up to the waistband.” (2:54-57)</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 67 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“The two side panels 12 thus separate the scrotum 14 from contacting the inner thighs and legs of the user, such separation extending from the waistband 22 to the perineum area 24 which extends under the buttocks of user.” (3:64-67)</p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> <p>“Viewed from the exterior of the pouch from compartment 18 appears bordered laterally by a pair of opposed facing curved (for example convex shaped) seams 26a bordered at the upper end 18c by waistband 22 and at the lower, rearmost end 18d by perineum area 24 adjacent the posterior perineum.” (5:8-12)</p> <p>“The sides of the exterior of pouch compartment 18 are defined by parallel seams 26a which track from the waistband 22 to the perineum area 24.” (5:18-20)</p> <p>“The garment of claim 2 wherein said side panels extend substantially up to said waistband.” (claim 9)</p> <p>“The garment of claim 9 wherein said pouch extends between said side panels substantially up to said waistband.” (claim 10)</p> <p>“The garment of claim 1 wherein said side panels extend upwards so as to contact said waistband.” (claim 11)</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 68 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

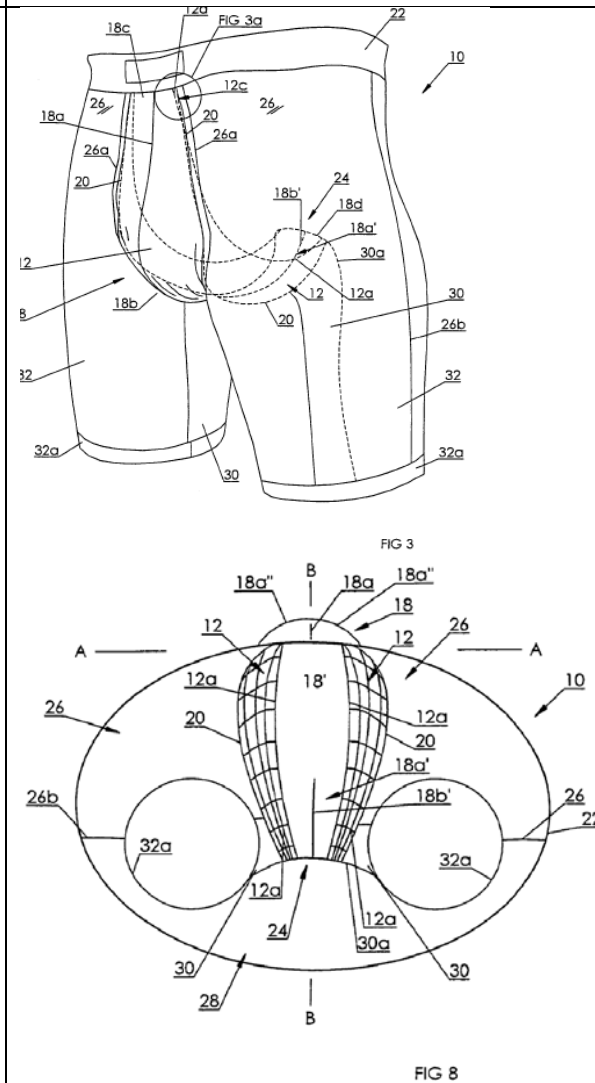
Claim 5**Exemplary Disclosure in Prior Art**

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

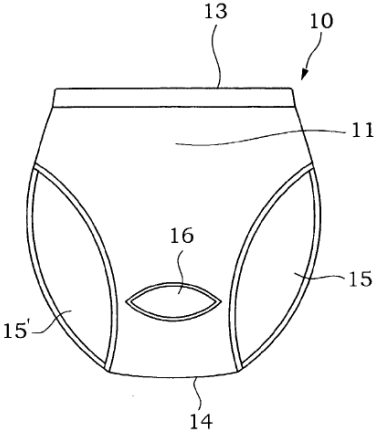
| Claim 6 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>[6] A garment according to claim 1 wherein the garment is a pair of undershorts.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a pair of undershorts. <i>See, e.g.</i>,</p> <p>“A men's undergarment” (Abstract) “MEN'S UNDERGARMENT” (Title)</p> <p>“[0002] The present invention provides an undergarment for men and, more particularly, to such a men's undergarment that is good for the health of the user's genitals.”</p>  <p>Fig. 1</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 70 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="550 321 936 716" data-label="Image"> </div> <p data-bbox="709 764 789 800">Fig.7</p> <p data-bbox="522 824 1892 1000">To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a pair of undershorts, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p data-bbox="522 1044 1694 1076">The '571 Patent discloses a garment wherein the garment is a pair of undershorts. <i>See, e.g.,</i></p> <p data-bbox="522 1117 1213 1149">“An underwear garment for use by a male” (Abstract)</p> <p data-bbox="522 1154 1213 1187">“UNDERWEAR GARMENT FOR A MALE” (Title)</p> <p data-bbox="522 1227 1883 1333">“This invention relates to the field of men's undergarments generally, and in particular to an undergarment having an improved pouch and sidewalls for supporting genitalia and decreasing irritation due to skin-to-skin friction and chaffing.” (1:12-15)</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 71 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

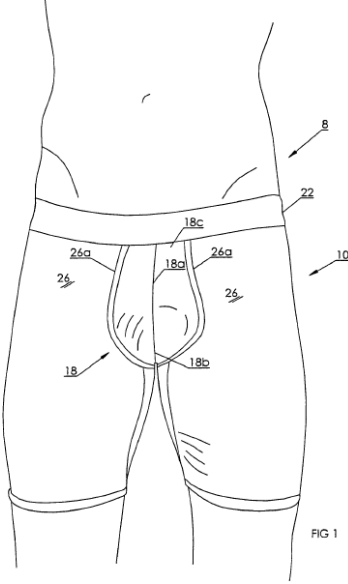
| Claim 6 | Exemplary Disclosure in Prior Art |
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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

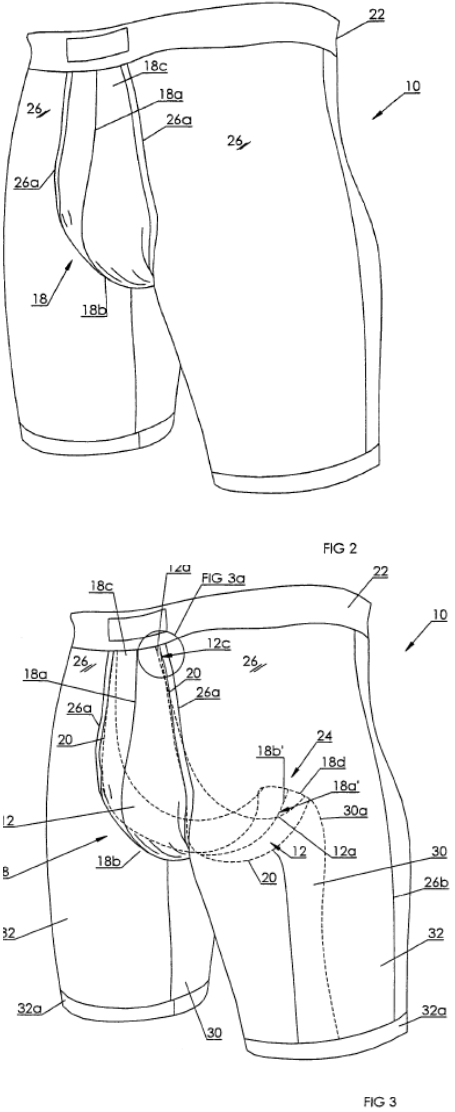
| Claim 6 | Exemplary Disclosure in Prior Art |
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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

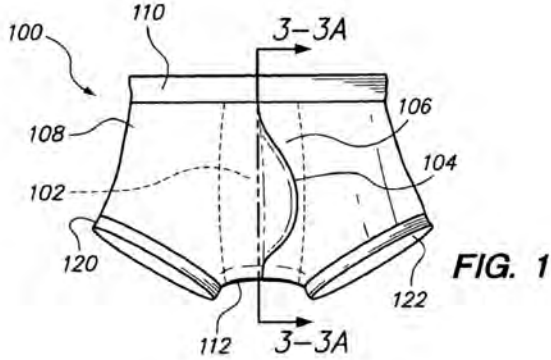
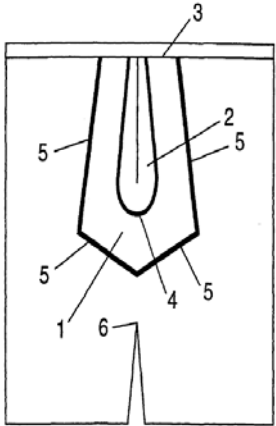
| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>The '874 Publication discloses a garment that is a pair of undershorts [boxer-brief type underwear 100]. <i>See e.g.</i>, FIG. 1.</p>  <p>FIG. 1</p> <p>WO 01/37687 discloses a pair of undershorts. <i>See, e.g.</i>,</p>  |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 74 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 7 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>[7] A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p>“[0030] 1. The cover panel 20 or 40 can be made of ventilating or meshed elastic cloth material different from the undergarment body 10, achieving a satisfactory ventilation effect.”</p> <p>To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a stretch panel comprising a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The '571 Patent discloses the stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™. Pouch 18 may be of a material containing 82% polyester and 18% Spandex™. In one embodiment, the balance of brief 10 is of the same material, however in an alternative embodiment, the balance of brief 10 is made of a 92% cotton, 8% Spandex™ fabric.” (4:25-33)</p> |
| Claim 8 | Exemplary Disclosure in Prior Art |
| <p>[8] A garment according to claim 1 wherein the opening</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses an opening with a width in excess of 2 cm. <i>See, e.g.,</i></p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 75 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 8 | Exemplary Disclosure in Prior Art |
|--------------------------------|--|
| has a width in excess of 2 cm. | <p>“[0009] . . . The cover panel defines with the front panel a penis receiving space above the opening of the front panel, and a scrotum receiving space below the opening of the front panel.”</p> <p>“[0021] . . . The front panel 11 has an opening 16 corresponding to the genitals.”</p> <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23.”</p> <p>“[00028] Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p> <p>Furthermore, the ’571 Patent discloses this limitation. <i>See, e.g.,</i></p> <p>“Angheluta discloses a man's garment, particularly a man's underwear garment, providing a codpiece compartment secured to a front of a trunk panel of the garment. The trunk panel provides an opening for communicating a man's genitals therethrough into the codpiece compartment.” (1:50-54)</p> <p>“Further advantageously, the pouch has an inner lining which is smooth and seamless over a central penis-covering portion thereof, and the concavities of the side panels are formed at least in part by folding laterally inwardly and stitching uppermost ends of the side panels so as to fold over an uppermost edge of the side panels. In one embodiment this is done where the side panels extend up to the waistband, and where the pouch also extends between the side panels substantially up to the waistband.” (2:49-57)</p> <p>“With reference to the accompanying drawings wherein similar characters of reference denote corresponding parts in each view, a conventional pair of so-called boxer style briefs 10 are modified in the present invention by adding interior side-panels 12, preferably constructed of an elasticized breathable mesh fabric, for the purpose of isolating the genitalia, in particular scrotum 14 and phallus 16 (shown</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 76 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>diagrammatically in dotted outline in FIG. 7), into the pouch compartment 18, thereby isolating the genitalia from contacting the inner thighs and legs of the user 8 wearing the briefs.” (3:27-37)</p> <p>“As seen in the interior of briefs 10, side panels 12 are formed of two separate and substantially parallel pieces of mesh fabric attached to the laterally spaced apart pouch seams 20.” (3:37-40)</p> <p>“The side panels 12 form a pair of generally parallel fences which extend upwardly from, and along, seams 20 so as to extend their uppermost edges 12a upwardly substantially completely into the crack or fold between the laterally outer sides of scrotum 14 and the top of the inner thighs, that is, along the fold of skin where the top of the inner thighs join the top of the scrotum along a lower-most aspect of the abdomen of user 8. This joint, where the inner thighs and scrotum join along a fold line, is defined generally by both the shape and the location when worn of the upper-most arcuate edges 12a of side panels 12.” (3:41-51)</p> <p>“The two side panels 12 thus separate the scrotum 14 from contacting the inner thighs and legs of the user, such separation extending from the waistband 22 to the perineum area 24 which extends under the buttocks of user.” (3:64-67)</p> <p>“Those oppositely disposed convexities of course define an opposed facing pair of genitalia-supporting concavities 12b which, because of the flexibility and elasticity of the mesh side panel material, mould to gently conform to the shape of scrotum 14 in particular and allow for resiliently supported relative movement of the scrotum relative to the pubis and perineum 24 of user 8, side panels 12 resiliently cradling and biasing the scrotum back into its naturally resting position symmetrically depending below the pubis and base of the penis 16.” (4:10-19)</p> <p>“As better seen in FIG. 3, in one embodiment the concavities 12b of side panels 12 are formed by folding over inwardly, and stitching with the fold-over in place, the upper ends 12c of side panels 12 where side panels 12 are stitched to the front walls 26 and waistband 22 of brief 10.” (4:19-24)</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

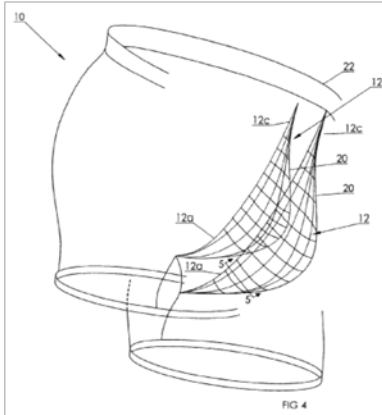
| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> <p>“The material of the side panels and pouch provide the intended isolating function while improving comfort, airflow, and support for the scrotum. The mesh fabric is light and soft to reduce discomfort and improve feel for the scrotum and phallus while in contact with fabric and garment design in the sensitive groin area including the genitalia.” (4:33-38)</p> <p>“The side panels 12 and the interior and exterior layers 18’ and 18” respectively of pouch compartment 18 advantageously may share the interior seams 20 which create the pouch shape that is, seams 20 and 26a are coincident. The cooperation of the side-panels and pouch shape and construction serves to:</p> <ul style="list-style-type: none"> a) further enhance the cradle-like support of the garment through the opposed facing convex shape seam orientation of seams 26a; b) contain the genitalia while inhibiting contact between the fabric and the skin; c) further accentuate the volume and freedom of movement within pouch compartment 18 while inhibiting the genitalia from escaping pouch compartment 18.” (5:31-43)  |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

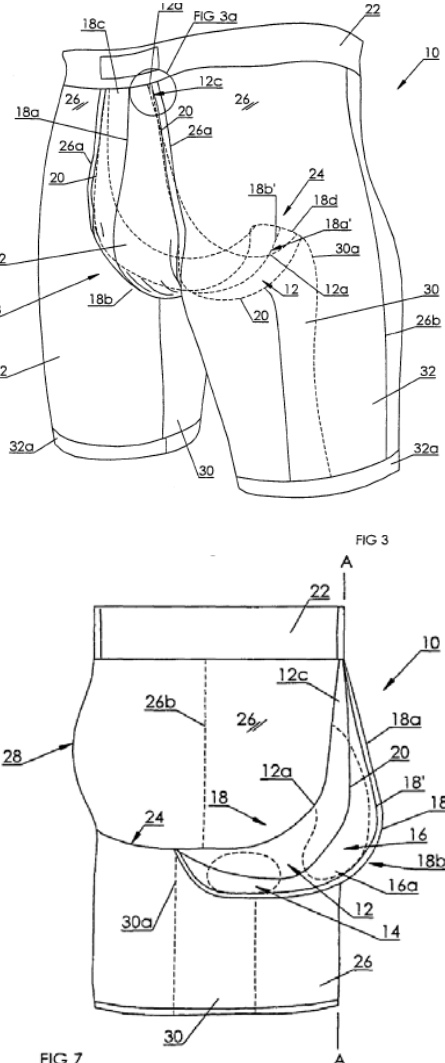
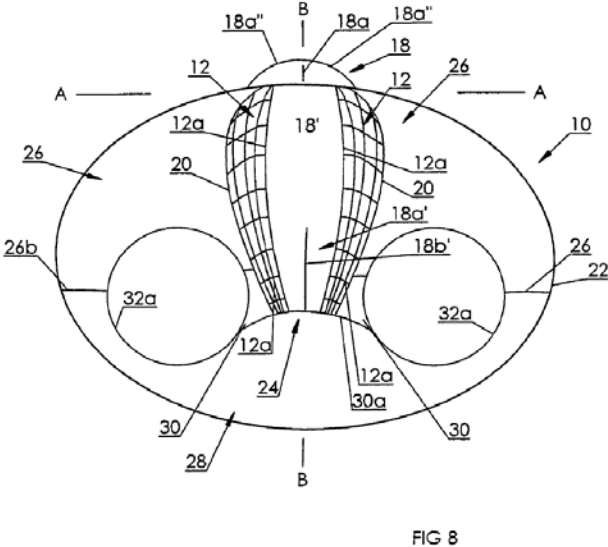
| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>FIG 3a</p> <p>FIG 7</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p style="text-align: center;">FIG 8</p> |

| Claim 9 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[9] A garment according to claim 1 wherein: the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p> <p>“[0009] . . . The cover panel defines with the front panel a penis receiving space above the opening of the front panel, and a scrotum receiving space below the opening of the front panel.”</p> |

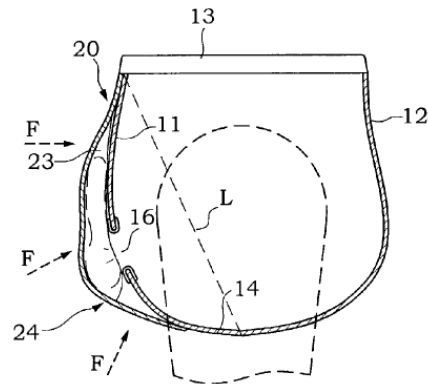
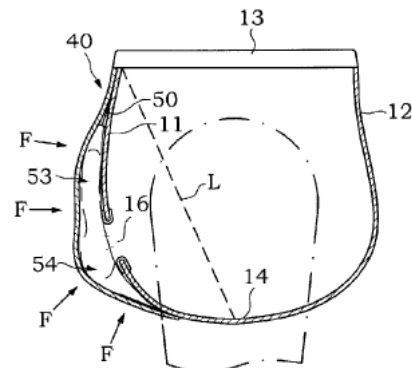
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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.</p> | <p>“[0013] FIG. 4 is a schematic front view of the first embodiment of the present invention, showing the genitals received in the penis receiving space and the scrotum receiving space.”</p> <p>“[0021] . . . When installed, the cover panel defines with the front panel 11 of the undergarment body 10 a penis receiving space and the crotch 14 a scrotum receiving space.”</p> <p>“[0022] . . . When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum.”</p> <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23. When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Referring to FIGS. 9-11, when the undergarment of the second embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the penis extended upwards and received in the tubular penis receiving space 53 defined between the front panel 11 of the undergarment body 10 and the front cover portion 47 and side cover portions 49 and 49' of the cover panel 40, and the scrotum received in the bag-like scrotum receiving space 54 defined between the front panel 11 of the undergarment body 10 and the cover panel 40 below the opening 16.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

Claim 9**Exemplary Disclosure in Prior Art****Fig. 5****Fig. 11**

Furthermore, the '571 Patent discloses this limitation. *See, e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“An underwear garment for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall. The pouch may be pear-shaped when viewed from the front. A lower extremity of the pouch extends under and rearwardly of the front wall so as to form a perineum portion for covering rearwardly past the scrotum and to the perineum of the user.” (Abstract)</p> <p>“The present invention provides a solution to the above by addressing the issues of scrotum independence from inner legs, and improved comfort and support.” (2:6-8)</p> <p>“In summary, the underwear garment according to the present invention, and for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in amid-section of a front wall depending from a waistband so as to bisect said front wall.” (2:17-22)</p> <p>“For wearing by a user having a penis, a scrotum, and a perineum an underwear garment comprising: a waistband, and a front wall depending downwardly from the front thereof, a genital pouch formed in a mid-section of said front wall so as to bisect said front wall, said pouch pear-shaped when viewed from the front and having a lower extremity thereof which extends under and rearwardly of said front wall so as to form a perineum portion for covering past the scrotum and to the perineum of the user when worn by the user” (claim 1)</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

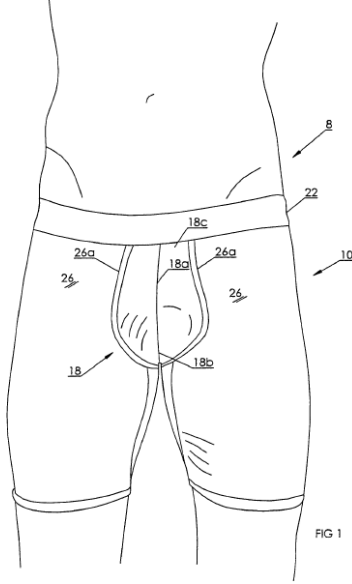
| Claim 9 | Exemplary Disclosure in Prior Art |
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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|-----------------------------------|
| | <p>FIG 2</p> <p>FIG 3</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 10 | Exemplary Disclosure in Prior Art |
|--|--|
| [10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend. | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>Further, the '571 Patent discloses this limitation. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> |

| Claim 12 | Exemplary Disclosure in Prior Art |
|--|---|
| [12] A garment according to claim 1, wherein the first seam is disposed forward of a perineum region of a wearer. | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a first seam disposed forward of a perineum region of a wearer. <i>See, e.g.,</i></p> <p>“[0009] . . . The cover panel defines with the front panel a penis receiving space above the opening of the front panel, and a scrotum receiving space below the opening of the front panel.”</p> <p>“[0013] FIG. 4 is a schematic front view of the first embodiment of the present invention, showing the genitals received in the penis receiving space and the scrotum receiving space.”</p> |

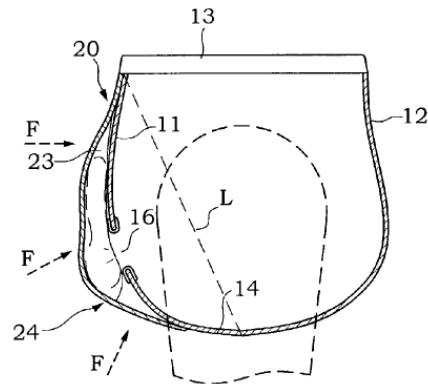
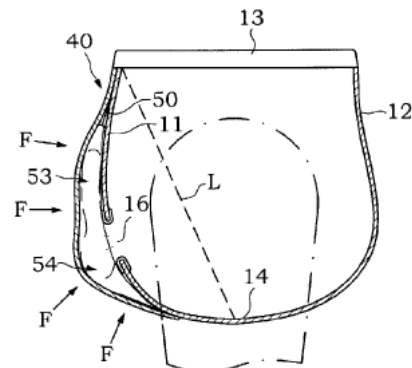
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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 12 | Exemplary Disclosure in Prior Art |
|----------|--|
| | <p>“[0021] . . . When installed, the cover panel defines with the front panel 11 of the undergarment body 10 a penis receiving space and the crotch 14 a scrotum receiving space.”</p> <p>“[0022] . . . When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum.”</p> <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23. When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Referring to FIGS. 9-11, when the undergarment of the second embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the penis extended upwards and received in the tubular penis receiving space 53 defined between the front panel 11 of the undergarment body 10 and the front cover portion 47 and side cover portions 49 and 49' of the cover panel 40, and the scrotum received in the bag-like scrotum receiving space 54 defined between the front panel 11 of the undergarment body 10 and the cover panel 40 below the opening 16.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

Claim 12**Exemplary Disclosure in Prior Art****Fig. 5****Fig. 11**

Furthermore, the '571 Patent discloses this limitation. *See, e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 12 | Exemplary Disclosure in Prior Art |
|----------|---|
| | <p>“An underwear garment for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall. The pouch may be pear-shaped when viewed from the front. A lower extremity of the pouch extends under and rearwardly of the front wall so as to form a perineum portion for covering rearwardly past the scrotum and to the perineum of the user.” (Abstract)</p> <p>“The present invention provides a solution to the above by addressing the issues of scrotum independence from inner legs, and improved comfort and support.” (2:6-8)</p> <p>“In summary, the underwear garment according to the present invention, and for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in amid-section of a front wall depending from a waistband so as to bisect said front wall.” (2:17-22)</p> <p>“For wearing by a user having a penis, a scrotum, and a perineum an underwear garment comprising: a waistband, and a front wall depending downwardly from the front thereof, a genital pouch formed in a mid-section of said front wall so as to bisect said front wall, said pouch pear-shaped when viewed from the front and having a lower extremity thereof which extends under and rearwardly of said front wall so as to form a perineum portion for covering past the scrotum and to the perineum of the user when worn by the user” (claim 1)</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

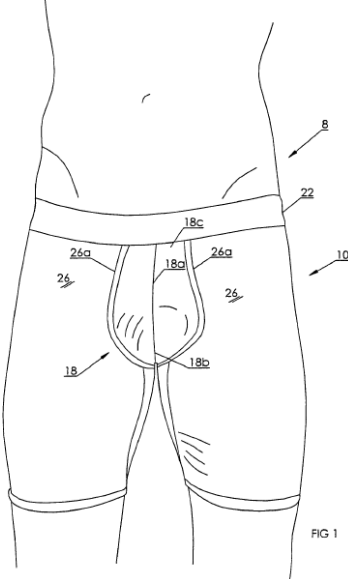
| Claim 12 | Exemplary Disclosure in Prior Art |
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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

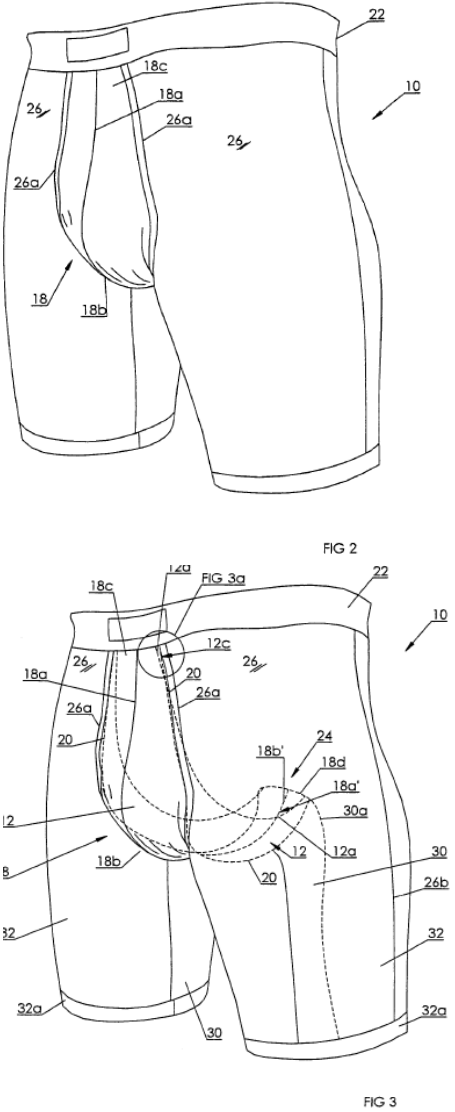
| Claim 12 | Exemplary Disclosure in Prior Art |
|----------|---|
| |  <p>FIG 3</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

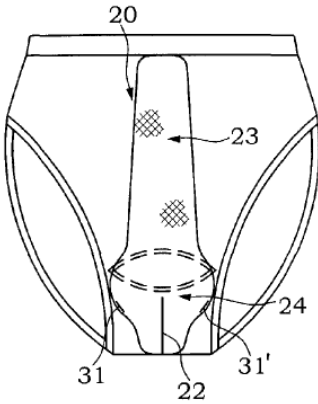
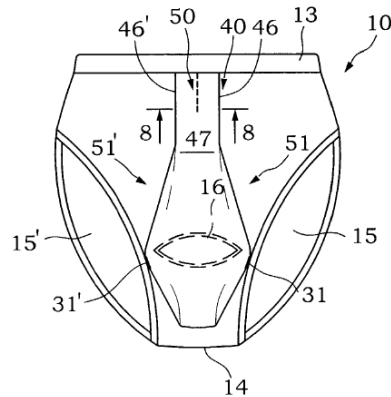
| Claim 14 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>[14] A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a stretch panel formed from a single unitary piece of woven fabric. <i>See, e.g.,</i></p> <p>“[0022] . . . As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end.”</p> <p>“The men's undergarment as claimed in claim 1, wherein said cover panel is made of a piece of elastic ventilating cloth.” (Claim 2)</p> <p>“The men's undergarment as claimed in claim 1, wherein said cover panel is made of meshed piece of elastic cloth.” (Claim 3)</p>  <p style="text-align: center;">Fig.3</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

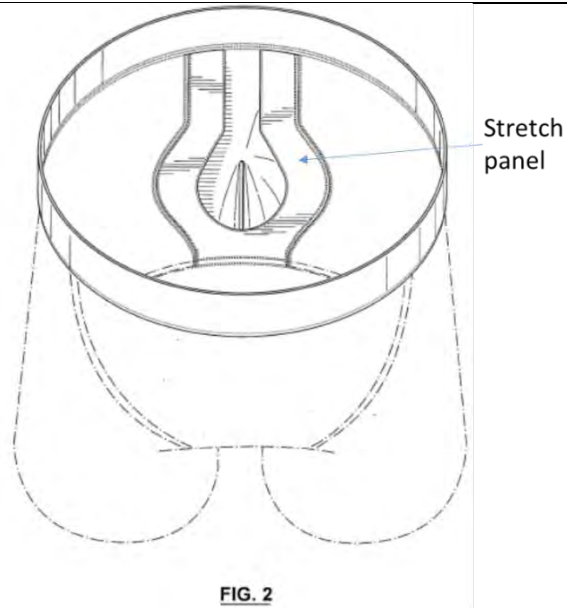
Claim 14**Exemplary Disclosure in Prior Art****Fig.7**

To the extent Plaintiffs contend the '218 Publication, alone or in combination with the '571 Patent, does not expressly, implicitly, or inherently disclose a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.

The '058 Design discloses a stretch panel formed from a single unitary piece of fabric. *See e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

Claim 14**Exemplary Disclosure in Prior Art**

The '874 Publication discloses a stretch panel [rear panel 114] formed from a single unitary piece of woven fabric [fabric 108]. *See e.g.*,

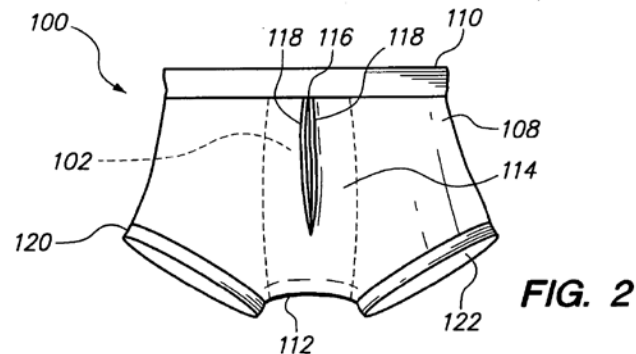


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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

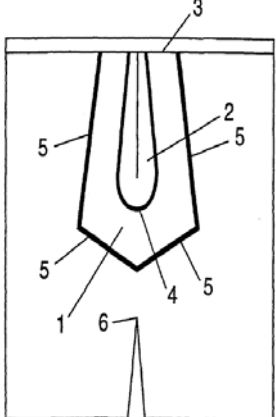
| Claim 14 | Exemplary Disclosure in Prior Art |
|--|---|
| | <p>[0022] “In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable.”</p> <p>[0024] “The rear panel 114 is also comprised of the fabric 108.”</p> <p>WO 01/37687 discloses a stretch panel formed from a single unitary piece of woven fabric. <i>See, e.g.</i>, “The invention relates to a hygienic elastic garment for men's underwear.” Abstract.</p>  |
| Claim 15 | Exemplary Disclosure in Prior Art |
| <p>[15] A garment according to claim 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.</i>,</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

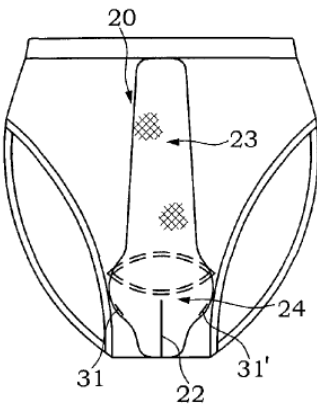
| Claim 15 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.</p> | <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. . . . Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p>  <p>Fig.3</p> <p>Furthermore, the '058 Design discloses this limitation. <i>See, e.g.,</i></p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 96 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

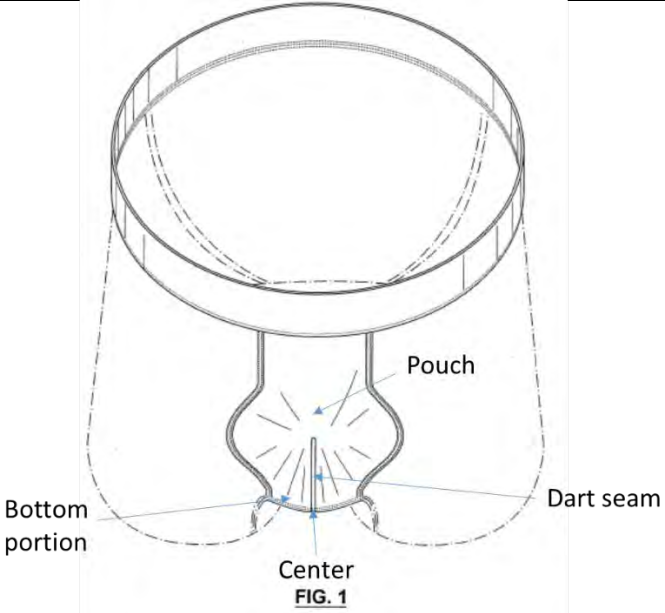
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p data-bbox="541 803 630 868">Bottom portion</p> <p data-bbox="940 662 1018 690">Pouch</p> <p data-bbox="1081 795 1201 820">Dart seam</p> <p data-bbox="814 868 892 917">Center FIG. 1</p> |

Exhibit B-2**Invalidity of U.S. Patent No. 9,687,030****Page 97 of 97**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of U.S. Patent No. 7,958,571 (Issued June 14, 2011; Published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

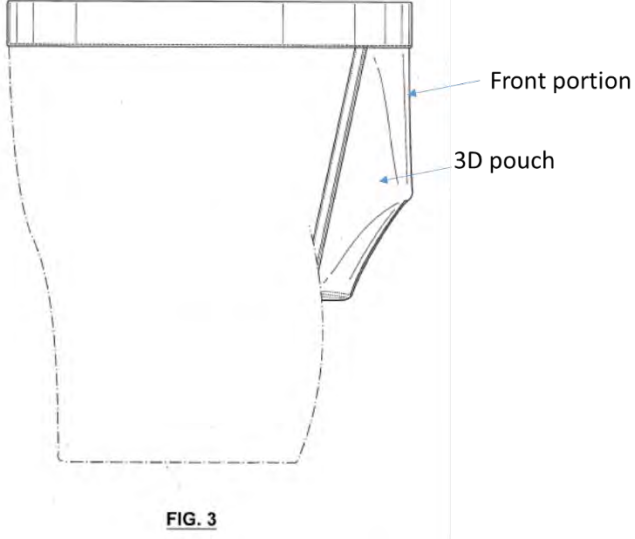
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p>FIG. 3</p> <p>Front portion</p> <p>3D pouch</p> <p>The diagram shows a pair of briefs with a large, curved 3D pouch in the front. A label 'Front portion' points to the upper part of the pouch, and a label '3D pouch' points to the main body of the pouch. The briefs have a waistband with elastic and a fly area. The entire figure is labeled 'FIG. 3' at the bottom center.</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 1 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

Upon information and belief, the disclosure of U.S. Patent Publication No. 2004/0025218 (published Feb. 12, 2004) (“’218 Publication”) either expressly, implicitly, or inherently anticipates the asserted claims of U.S. Patent No. 9,687,030 under 35 U.S.C. § 102 and/or renders those claims obvious under 35 U.S.C. § 103 in view of the Andrew Christian Show-It Underwear and/or European Patent Application No. EP 0 476 818 A1 (Published March 25, 1992) (“EP O 476 818”), U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”), and/or U.S. Patent No. 7,631,369 (issued Dec. 15, 2009) (the “’369 Patent”), as set forth in the chart below.

The following contentions are subject to revision and amendment pursuant to Federal Rule of Civil Procedure 26(e) and the Court Orders in this matter subject to further investigation and discovery regarding the references.

| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| [1.pre] 1. A male garment comprising: | The ’218 Publication discloses a male garment. <i>See, e.g.</i> , “A men's undergarment” (Abstract) “MEN'S UNDERGARMENT” (Title) |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 2 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

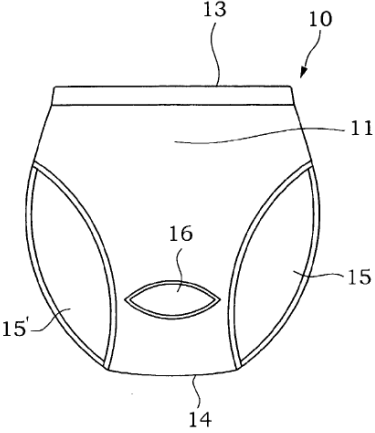
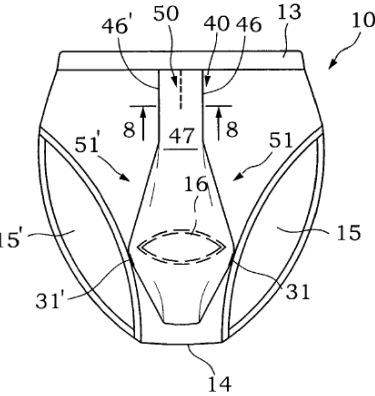
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p data-bbox="527 280 1860 350">“[0002] The present invention provides an undergarment for men and, more particularly, to such a men's undergarment that is good for the health of the user's genitals.”</p>  <p data-bbox="701 808 779 841">Fig. 1</p>  <p data-bbox="701 1307 779 1339">Fig. 7</p> <p data-bbox="527 1365 1604 1398">Furthermore, the Andrew Christian Show-It Underwear is a male garment. <i>See, e.g.,</i></p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 3 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| |  <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>The line consists of boxer-briefs, briefs, jocks and swimwear.” “Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |
| <p>[1.1] a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;</p> | <p>The '218 Publication discloses a body including a front portion and having leg openings for a wearer's legs. <i>See, e.g.,</i></p> <p>“A men's undergarment having an opening in the front panel of the undergarment body thereof and a cover panel fastened to the undergarment body” (Abstract”)</p> <p>“[0009] . . . The under undergarment body comprises a front panel, a back panel, a waistband, and a crotch, and two leg holes.”</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 4 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

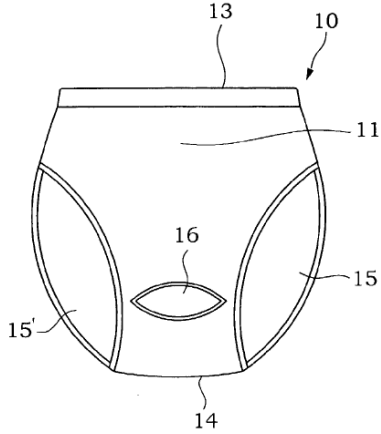
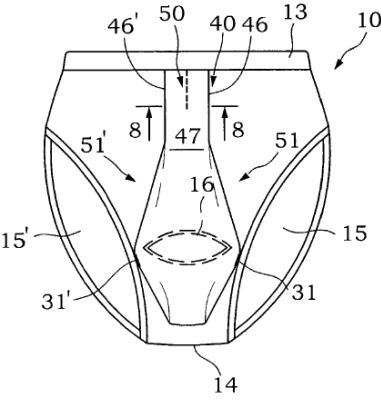
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“[0021] Referring to FIG. 1, a men's undergarment in accordance with the present invention is shown comprised of an undergarment body 10 and a cover panel. The undergarment body 10 comprises a front panel 11, a back panel 12 (see FIG. 5), a waistband 13, and a crotch 14, defining two leg holes 15 and 15'.”</p>  <p>Fig.1</p>  <p>Fig.7</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 5 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

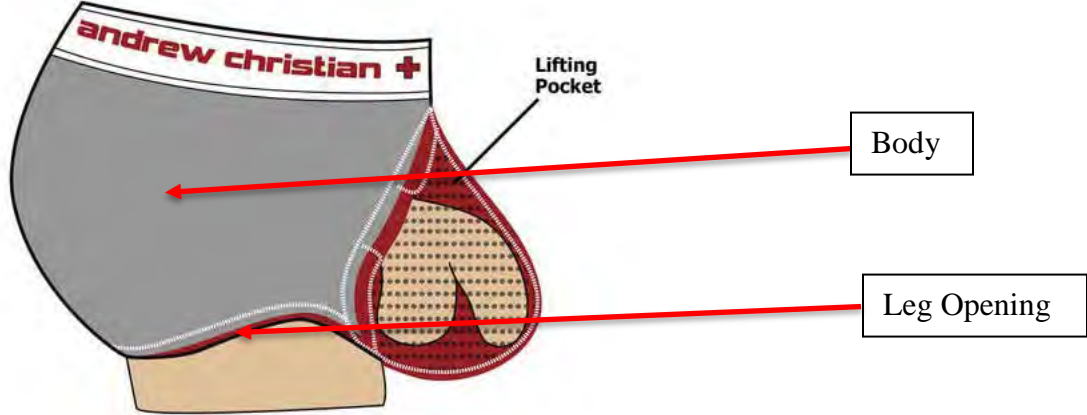

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>Furthermore, the Andrew Christian Show-It Underwear includes a body including a front portion and having leg openings for a wearer's legs. <i>See, e.g.,</i></p>  <p>The diagram shows a pair of men's underwear with a grey body and red leg openings. A red arrow points from the 'Body' label to the main body of the underwear. Another red arrow points from the 'Leg Opening' label to the leg opening. A 'Lifting Pocket' is also indicated with a black arrow pointing to a red, textured area on the side of the leg opening.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>The small diagram is a simplified version of the one above, showing the same components: a grey body, red leg openings, and a red 'Lifting Pocket' on the side of the leg opening.</p> <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 6 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="529 321 1239 794" data-label="Image"> </div> <p data-bbox="1415 415 1629 477">Front Portion</p> <p data-bbox="522 816 1837 922">“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p data-bbox="522 1000 1843 1070">The '218 Publication discloses a body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p data-bbox="522 1110 1831 1180">“[0015] FIG. 6 is an extended out view of the cover panel for the men's undergarment according to the second embodiment of the present invention.”</p> <p data-bbox="522 1221 1885 1328">“[0021] Referring to FIG. 1, a men's undergarment in accordance with the present invention is shown comprised of an undergarment body 10 and a cover panel. The undergarment body 10 comprises a front panel 11, a back panel 12 (see FIG. 5), a waistband 13, and a crotch 14, defining two leg holes 15 and 15'.”</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 7 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

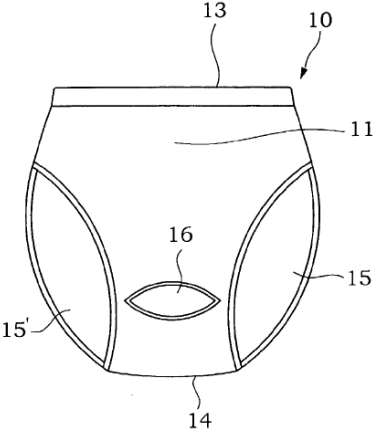
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. . . . Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p>  <p style="text-align: center;">Fig. 1</p> |

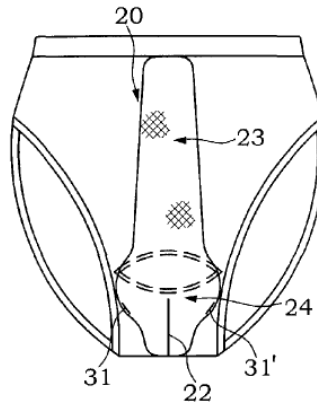
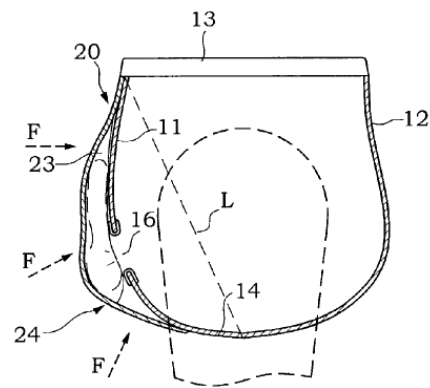
Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 8 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art****Claim 1****Exemplary Disclosure in Prior Art****Fig.3****Fig.5**

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 9 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

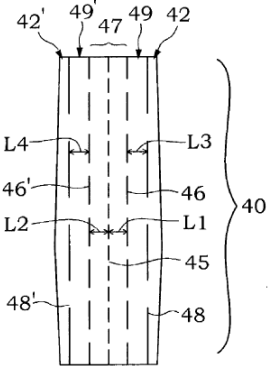
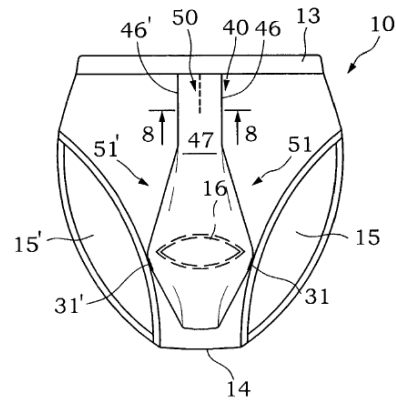
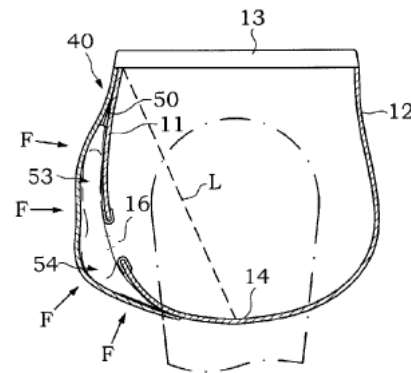
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="611 906 684 938">Fig.6</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 10 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

Furthermore, the Andrew Christian Show-It Underwear includes a body including a crotch panel (hidden in currently available images) extending between the leg openings and joined to the front portion along a first seam. *See, e.g.,*

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 11 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art



| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| |  <p data-bbox="520 750 1474 782">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p data-bbox="520 1140 1843 1253">“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |
| <p>[1.2] a waistband attached by a waistband seam at an upper edge of the body;</p> | <p>The '218 Publication discloses a waistband attached by a waistband seam at an upper edge of the body. <i>See, e.g.,</i></p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 12 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

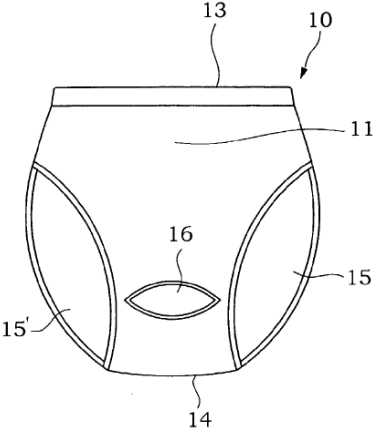
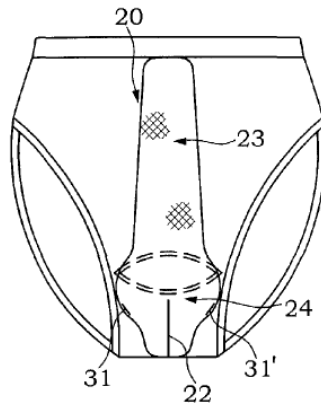
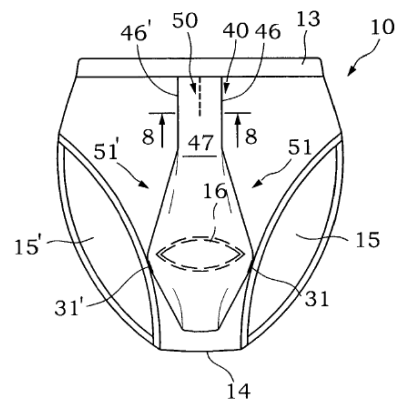
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“[T]he cover panel having top and bottom ends . . . fixedly fastened to waistband” (Abstract)</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0023] . . . The top and bottom ends of the well-folded cover panel 40 are then respectively stitched to the waistband 13 and crotch 14 of the undergarment body 10.”</p>  <p>Fig. 1</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 13 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig.3****Fig.7**

Furthermore, the Andrew Christian Show-It Underwear includes this limitation. *See, e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

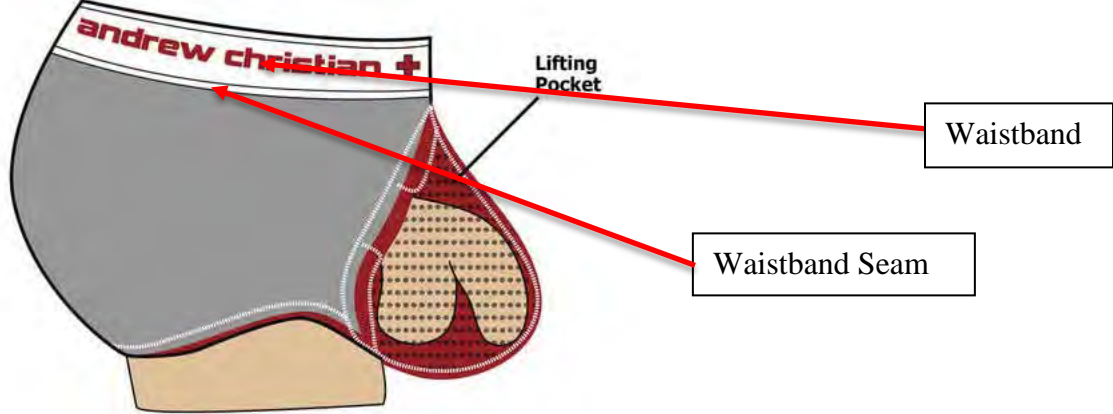

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="525 748 1470 784">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p data-bbox="525 1146 1837 1252">“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 15 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| |  <p>“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |
| <p>[1.3] a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously</p> | <p>The '218 Publication discloses a stretch panel attached to the body inside the front portion. <i>See, e.g.</i>,</p> <p>“[0009] The cover panel has top and bottom ends respectively fixedly fastened to the waistband and the crotch”</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 16 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>along either side of the front portion and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;</p> | <p>part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status. Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing."</p> <div data-bbox="535 544 850 950"> </div> <p style="text-align: center;">Fig.3</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 17 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

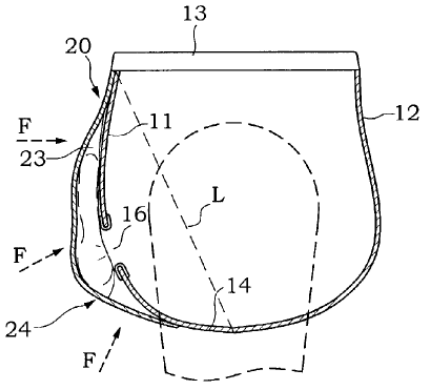
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="701 708 785 743">Fig. 5</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 18 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

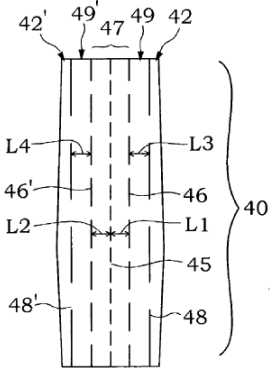
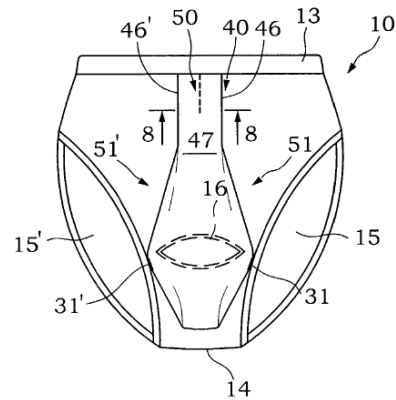
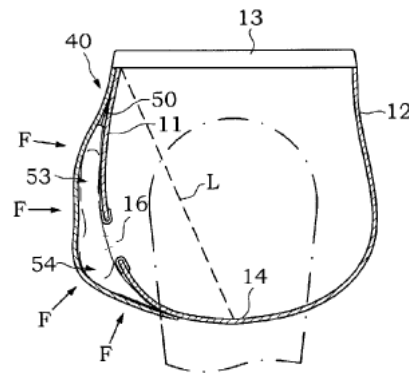
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="611 906 686 938">Fig.6</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 19 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

The '218 Publication discloses a stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 20 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals. <i>See, e.g.,</i></p> <p>“[0009] The cover panel has top and bottom ends respectively fixedly fastened to the waistband and the crotch”</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status. Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 21 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

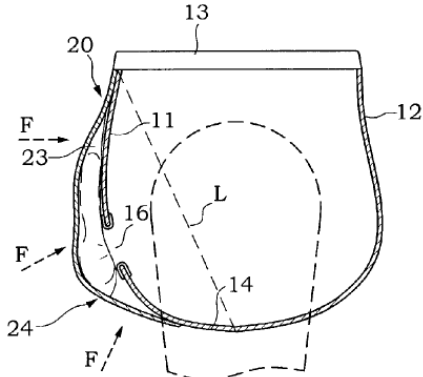
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>received in the penis receiving space 23. When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40.”</p> <p>“The men's undergarment as claimed in claim 1, wherein said cover panel has an upper part, which defines with said undergarment body said penis receiving space, and two smoothly arched side flaps symmetrically bilaterally formed integral with a lower part thereof and defining with said undergarment body said scrotum receiving space.” (Claim 4)</p> <p>“The men's undergarment as claimed in claim 5, wherein the outer portion of each of said arched side flap is respectively stitched to said undergarment body, forming a respective stitched line.” (Claim 6)</p>  <p style="text-align: center;">Fig.5</p> |

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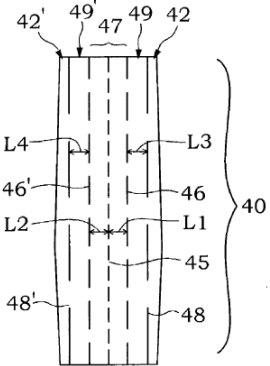
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="611 906 684 938">Fig. 6</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 23 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="518 280 924 649"> </div> <p data-bbox="688 716 789 751">Fig. 11</p> <p data-bbox="518 769 1892 841">Furthermore, the Andrew Christian Show-It Underwear includes a stretch panel attached to the body inside the front portion. <i>See, e.g.,</i></p> <div data-bbox="541 902 1675 1317"> </div> <p data-bbox="518 1349 1472 1383">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>The '218 Publication discloses an the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See, e.g.,</i></p> <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23.”</p> <p>“[0026] . . . Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 25 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

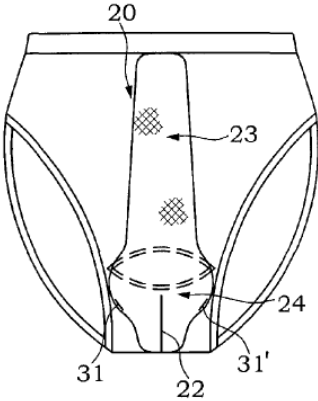
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p data-bbox="527 280 1850 350">“[0027] . . . Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> <p data-bbox="527 391 1885 496">“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened.”</p>  <p data-bbox="674 954 758 995">Fig.3</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

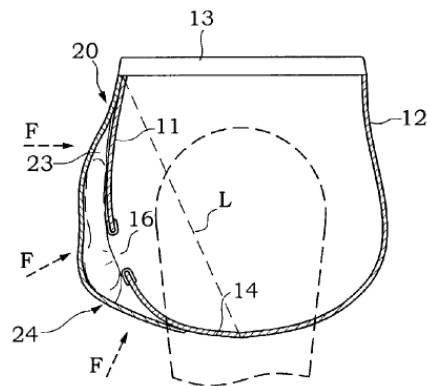
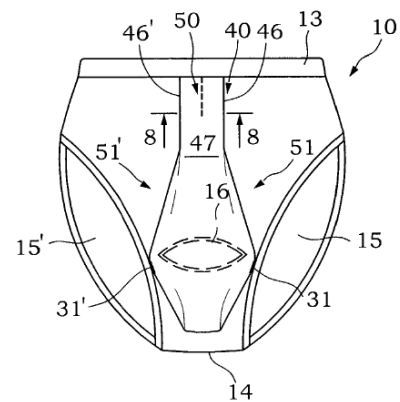
Claim 1**Exemplary Disclosure in Prior Art****Fig.5****Fig.7**

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="518 280 924 649"> </div> <p data-bbox="688 716 789 751">Fig. 11</p> <p data-bbox="518 808 1896 1133">To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a stretch panel attached to the body inside the front portion having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of the Andrew Christian Show-It Underwear to meet this limitation. <i>See, e.g.,</i></p> <p data-bbox="518 1174 1787 1279">“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

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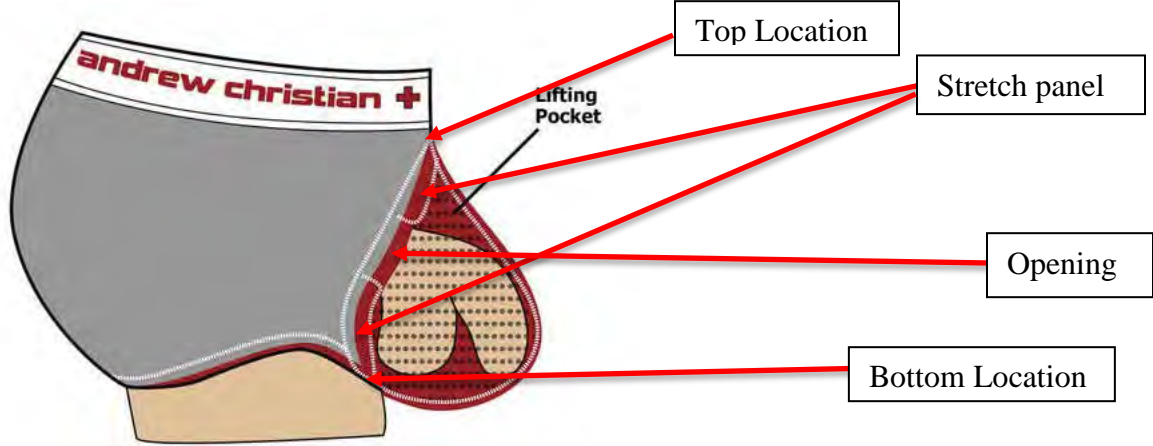

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| |  <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> |
| <p>[1.4] the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, the stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a</p> | <p>The '218 Publication discloses a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. <i>See, e.g.,</i></p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 30 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn.</p> | <p>center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status.”</p> <p>“[0023] The top and bottom ends of the well-folded cover panel 40 are then respectively stitched to the waistband 13 and crotch 14 of the undergarment body 10.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] . . . When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40. Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> <p>“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened. The length of the stitched line 50 is determined subject to the size</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art**

and style of the undergarment. Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”

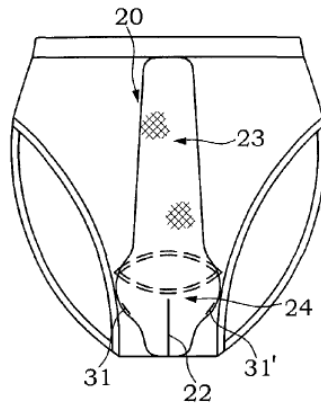
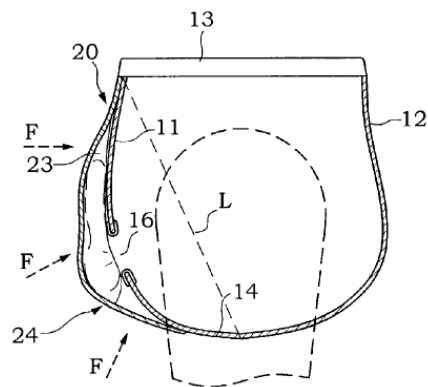
**Fig.3****Fig.5**

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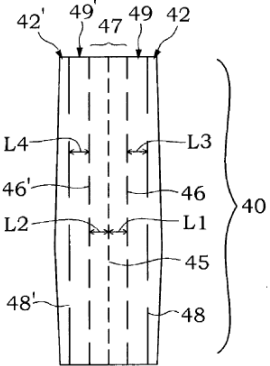
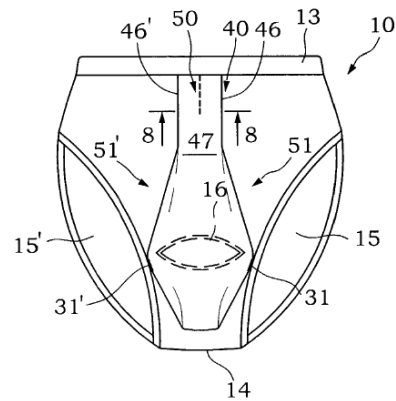
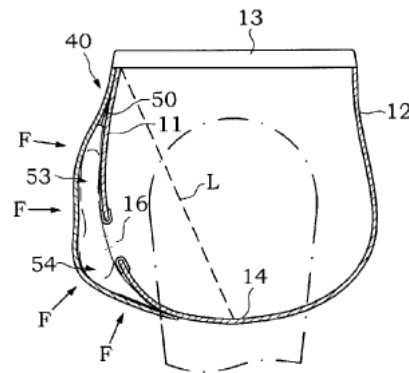
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="611 906 684 938">Fig. 6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

Furthermore, the Andrew Christian Show-It Underwear includes a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. *See, e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

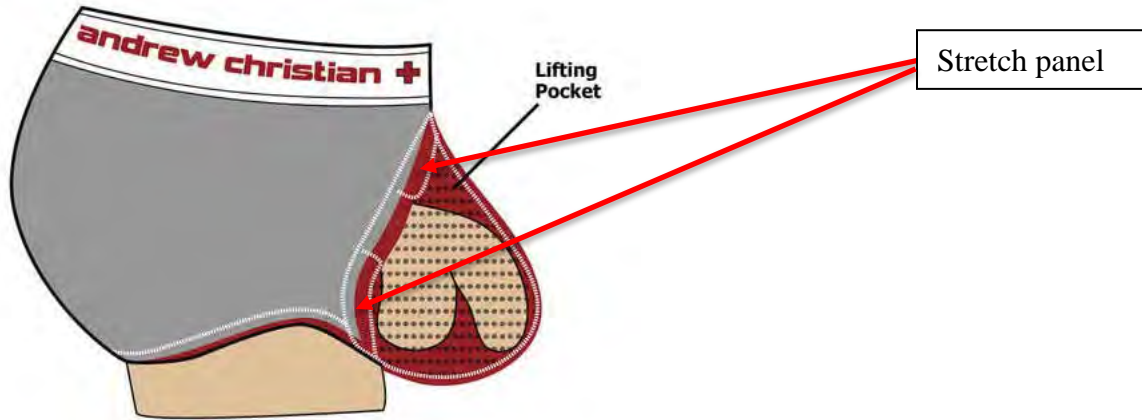
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>The diagram shows a side view of a pair of men's underwear. The brand name "andrew christian" is printed on the waistband. A red, textured "Lifting Pocket" is shown on the side, containing a yellow, horseshoe-shaped inner cup. A red "Stretch panel" is also indicated on the side of the pouch. Red lines connect the labels "Lifting Pocket" and "Stretch panel" to their respective parts in the diagram.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>The '218 Publication discloses a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams. <i>See, e.g.,</i></p> |

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| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] . . . When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40. Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> |

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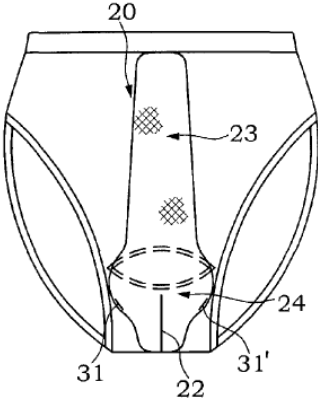
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p data-bbox="525 280 1896 459">“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened. The length of the stitched line 50 is determined subject to the size and style of the undergarment. Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p>  <p data-bbox="674 922 758 959">Fig.3</p> |

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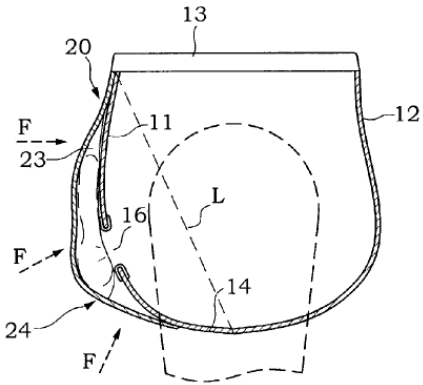
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="701 708 785 743">Fig. 5</p> |

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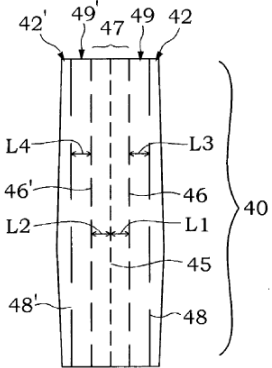
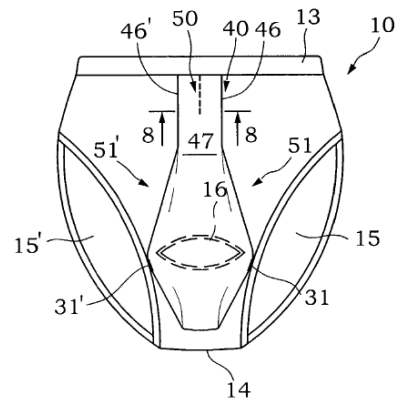
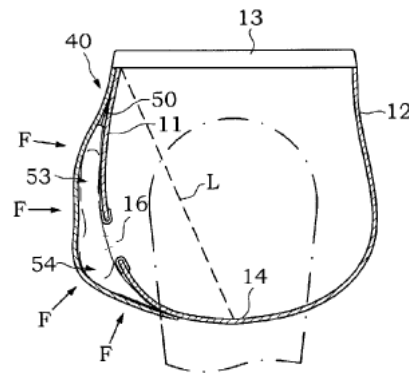
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="611 906 686 938">Fig.6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

Furthermore, the Andrew Christian Show-It Underwear includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams. *See, e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

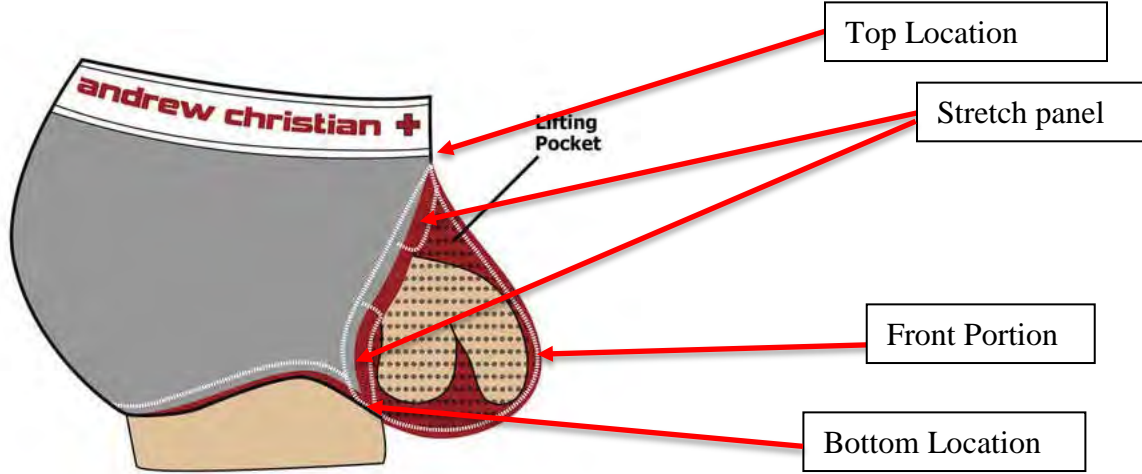
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p>  <p>The diagram illustrates a side view of a pair of men's underwear. A red, horseshoe-shaped inner cup is shown, which is lined with a meshed fabric. A red arrow points to the top of the cup, labeled 'Top Location'. Another red arrow points to the side of the cup, labeled 'Stretch panel'. A third red arrow points to the front of the cup, labeled 'Front Portion'. A fourth red arrow points to the bottom of the cup, labeled 'Bottom Location'. The cup is shown in a position that suggests it is designed to lift and support the wearer's genitalia. The brand name 'andrew christian' is visible on the waistband.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>The front portion of the ’218 Publication defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer’s genitals. <i>See, e.g.,</i></p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom</p> |

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| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] . . . When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40. Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> <p>“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened. The length of the stitched line 50 is determined subject to the size and style of the undergarment. Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p> |

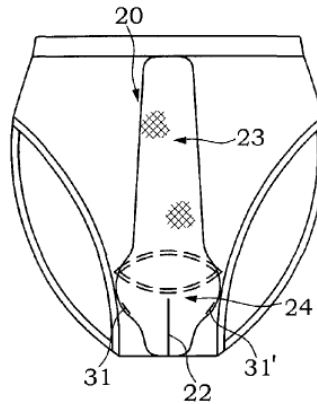
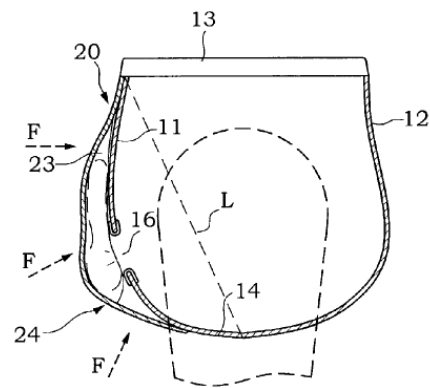
Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 42 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art****Claim 1****Exemplary Disclosure in Prior Art****Fig.3****Fig.5**

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 43 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

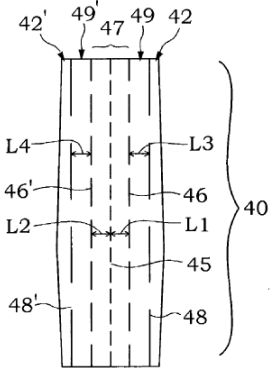
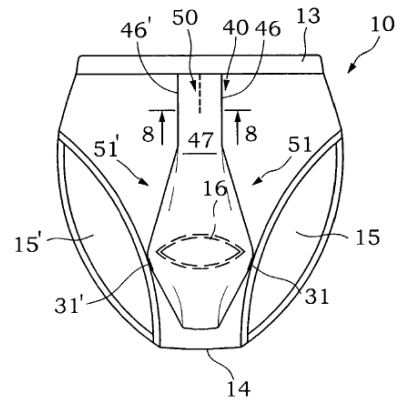
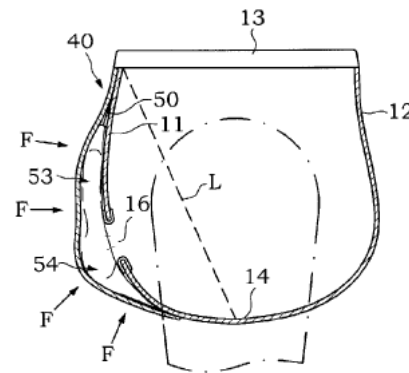
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="611 906 686 938">Fig.6</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 44 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The Andrew Christian Show-It Underwear includes a front portion that defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn. <i>See e.g.</i>,</p>  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>Alternatively, one of ordinary skill in the art would understand how to make a garment wherein the front portion is gathered from side-to-side and top-to-bottom by the stretch panel, wherein the stretch panel has a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams. For example, EP O 476 818 teaches a method of gathering from side-to-side and top-to-bottom by an elastic fabric. <i>See, e.g.</i>,</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 46 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>“The garment now has a waist opening 31 and in accordance with the present invention, an elasticated band 32 is secured in face to face contact to a marginal portion 33 of the garment surrounding the waist opening 31. The band 32 is secured to the garment whilst in a tensioned condition (i.e. stretched condition) so that on relaxation, the fabric of the marginal portion 33 is ruched thereby enabling the band to stretch when the garment is being worn.” (4:4-12)</p> <p>“The operative inserts the garment over the band, drops the presser foot 56, sews a pre-set number of stitches, typically two or three, after which the roller 59 drops automatically, and the metering device 62 automatically reverses to apply the pre-programmed tension to the band so that the ruched effect can be achieved.” (6:47-53)</p> |

| Claim 2 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[2] A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See, e.g.,</i></p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 47 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p data-bbox="701 704 785 743">Fig.5</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 48 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

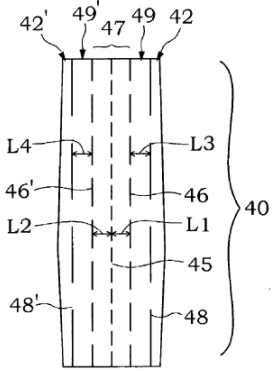
| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="611 906 688 938">Fig.6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="518 280 924 649"> </div> <p data-bbox="690 716 789 751">Fig. 11</p> <p data-bbox="522 808 1890 1057">To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p data-bbox="522 1101 1890 1206">The Andrew Christian Show-It Underwear is a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See, e.g.,</i></p> <p data-bbox="522 1247 1789 1352">“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 50 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“The Show-It design has a hidden “comfy cup” that gently lifts your package giving it a more pronounced appearance.” “Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>The ’369 Patent discloses asymmetrical stretch characteristics of a fabric such that it stretches more easily in one direction and less easily in a direction at right angles to the first direction. <i>See, e.g.,</i></p> <p>“With reference to FIG. 3, the warp knit is generally known in the art for having strands 26 running substantially parallel along a direction 27 of the fabric. Lateral threads 28 running substantially perpendicular to the strands 26 and in a direction 29 encircle sets of two strands 26 at once. Each adjacent lateral thread 28 encircles one of the two strands 26 in the first set and one of the two strands 26 from the second set. This pattern is repeated throughout. The warp knit, by virtue of having parallel strands 26 along the direction 27 of the fabric, is resistant to stretch in the direction 27 when compared to other knitted fabrics, which may undesirably stretch. Thus, the warp knit fabric stretches less along the direction 27 than along the direction 29.” (2:40-52)</p> <p>“The warp knit fabric used to form the groin portion 14 can stretch a relatively greater amount in the horizontal direction, roughly parallel to the waistband, than in the vertical direction. The ability to stretch in the horizontal direction allows for the accommodation of different sizes and shapes of male genitals. The groin portion stretches in the horizontal direction to accommodate the genitals of the supporter user while maintaining slight pressure on the genitals in the horizontal direction, thus aiding the cupping and compression functions of the supporter 10.” (3:1-10)</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 51 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

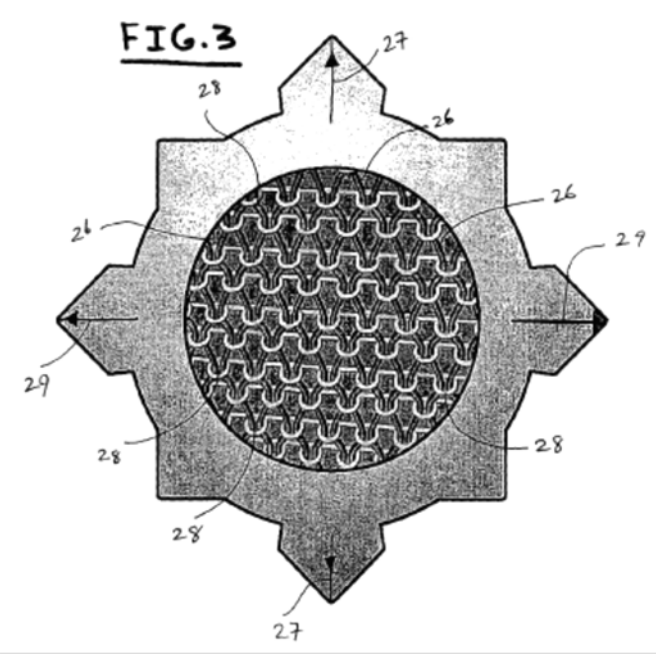
| Claim 2 | Exemplary Disclosure in Prior Art |
|--|--|
| | <p>FIG. 3</p>  |
| Claim 3 | Exemplary Disclosure in Prior Art |
| <p>[3] A garment according to claim 1 wherein the stretch panel is rectangular and the opening is U-shaped.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a garment wherein the stretch panel has a rectangular shape. <i>See, e.g.,</i></p> |

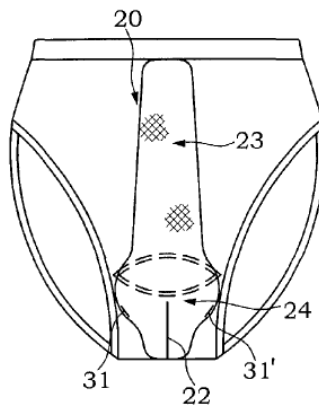
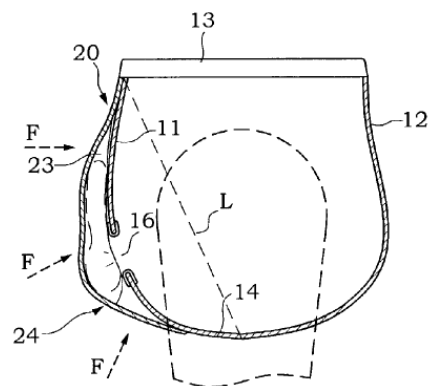
Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 52 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art****Claim 3****Exemplary Disclosure in Prior Art****Fig.3****Fig.5**

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 53 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 3 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a rectangular stretch panel, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of the Andrew Christian Show-It Underwear to meet this limitation.</p> <p>The Andrew Christian Show-It Underwear includes a stretch panel where the opening is U-shaped:</p> <p>"The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting..." "Andrew Christian – Show – It Technology Brief," https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

| Claim 4 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[4] A garment according to claim 3 wherein the stretch panel comprises a fabric having a stretch of at least 30%.</p> | <p>See above regarding claim 3.</p> <p>The '218 Publication discloses a stretch panel comprising a fabric having a stretch of at least 30%. <i>See, e.g.,</i></p> <p>"[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14."</p> <p>To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose the stretch panel comprising a fabric having a stretch of at least 30%, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one with ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 54 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 4 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>The Andrew Christian Show-It Underwear includes a stretch panel comprising a fabric having a stretch of at least 30%. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>“Features: 90% Cotton, 10% Spandex.” “Andrew Christians New League Brief with Show-It Technology for Maximum Frontal Enhancement,” https://www.underwearnewsbriefs.com/2009/12/andrew-christians-new-league-brief-with-show-it-technology-for-maximum-frontal-enhancement/ (December 20, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>The ’571 Patent discloses the stretch panel comprising a fabric having a stretch of at least 30%. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> |

| Claim 5 | Exemplary Disclosure in Prior Art |
|--|---|
| [5] A garment according to claim 1 wherein the top location is the waistband seam and the bottom location | <p>See above regarding claim 1.</p> <p>The ’218 Publication discloses a garment where the top location is the waistband seam and the bottom location is the first seam. <i>See, e.g.,</i></p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 55 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

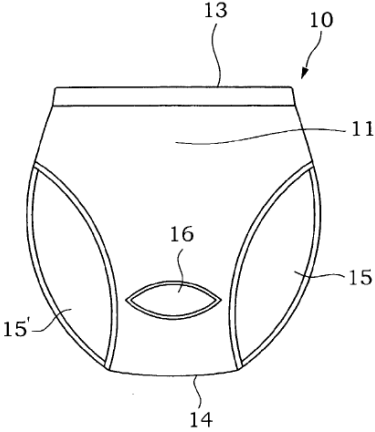
| Claim 5 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%.</p> | <p>“[T]he cover panel having top and bottom ends . . . fixedly fastened to waistband” (Abstract)</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0023] . . . The top and bottom ends of the well-folded cover panel 40 are then respectively stitched to the waistband 13 and crotch 14 of the undergarment body 10.”</p>  <p>Fig. 1</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

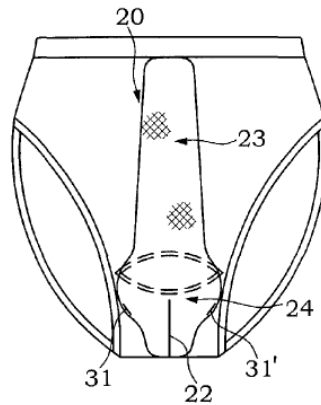
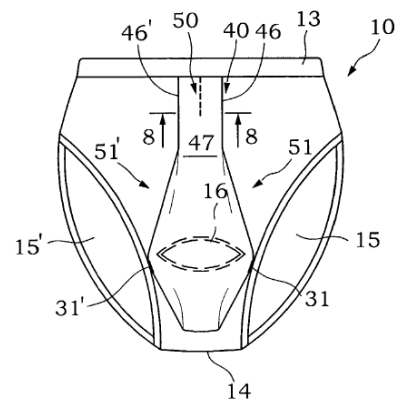
Claim 5**Exemplary Disclosure in Prior Art****Fig.3****Fig.7**

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 57 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

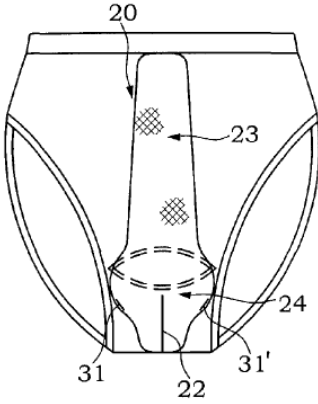
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>The '218 Publication discloses the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%. <i>See, e.g.,</i></p>  <p style="text-align: center;">Fig.3</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 58 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

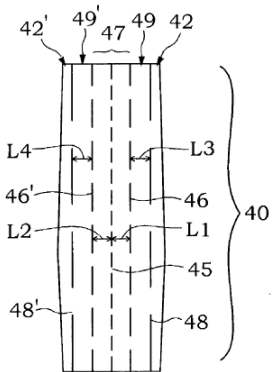
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="611 906 688 938">Fig.6</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 59 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="546 284 934 690"> </div> <p data-bbox="709 727 793 766">Fig.7</p> <p data-bbox="520 824 1873 1042">To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one with ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p data-bbox="520 1079 1873 1226">The Andrew Christian Show-It Underwear is a garment where the top location is the waistband seam and the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%. <i>See e.g.</i>,</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 60 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="531 282 1241 758" data-label="Image"> </div> <p data-bbox="516 781 1837 883">“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <div data-bbox="541 927 1709 1365" data-label="Image"> <p data-bbox="1436 943 1682 1008">Top location is the waistband seam</p> <p data-bbox="1409 1219 1646 1300">Bottom location is the first seam</p> </div> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 61 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | "Stroking the Male Ego: Men's Enhancement Underwear," June 17, 2009. |

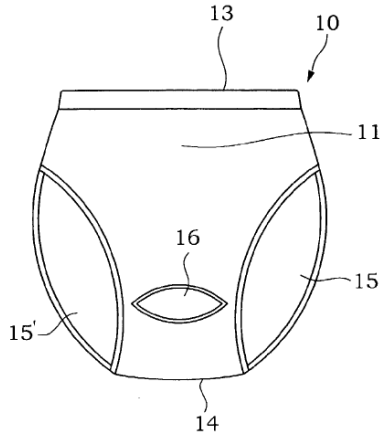
| Claim 6 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[6] A garment according to claim 1 wherein the garment is a pair of undershorts.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a pair of undershorts. <i>See, e.g.,</i></p> <p>"A men's undergarment" (Abstract) "MEN'S UNDERGARMENT" (Title)</p> <p>"[0002] The present invention provides an undergarment for men and, more particularly, to such a men's undergarment that is good for the health of the user's genitals."</p>  <p>Fig. 1</p> |


Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 62 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p style="text-align: center;">Fig. 7</p> <p>To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a pair of undershorts, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of the Andrew Christian Show-It Underwear meet this limitation.</p> <p>The Andrew Christian Show-It Underwear is a pair of undershorts. <i>See e.g.</i>,</p> <p>“The line consists of boxer-briefs, briefs, jocks and swimwear.” “Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 63 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> |

| Claim 7 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[7] A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p>“[0030] 1. The cover panel 20 or 40 can be made of ventilating or meshed elastic cloth material different from the undergarment body 10, achieving a satisfactory ventilation effect.”</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 64 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 7 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of the Andrew Christian Show-It Underwear to meet this limitation.</p> <p>The Andrew Christian Show-It Underwear includes a stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p>"The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting..." "Andrew Christian – Show – It Technology Brief," https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>"It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian's Show-It collection is a terrific example of this." "Stroking the Male Ego: Men's Enhancement Underwear," June 17, 2009.</p> |

| Claim 8 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[8] A garment according to claim 1 wherein the opening has a width in excess of 2 cm.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses an opening with a width in excess of 2 cm. <i>See, e.g.,</i></p> <p>"[0009] . . . The cover panel defines with the front panel a penis receiving space above the opening of the front panel, and a scrotum receiving space below the opening of the front panel."</p> <p>"[0021] . . . The front panel 11 has an opening 16 corresponding to the genitals."</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 65 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

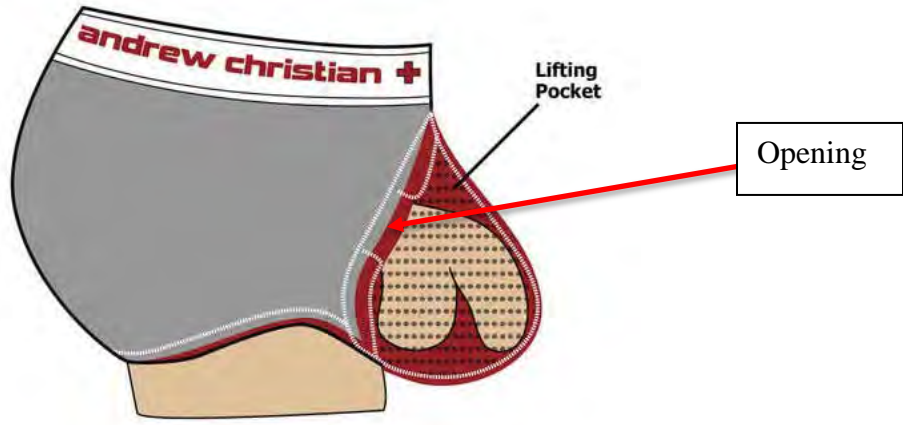
| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23.”</p> <p>“[00028] Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p> <p>To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose an opening with a width in excess of 2 cm, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation.</p> <p>Furthermore, Andrew Christian Show-It Underwear discloses this limitation. <i>See, e.g.,</i></p>  <p>The diagram shows a pair of grey briefs with a red waistband that reads "andrew christian +". A red, water-drop-shaped "Lifting Pocket" is attached to the fly area. A red arrow points from a box labeled "Opening" to a small hole in the pocket. The pocket is shown in a cross-section view, revealing a mesh-like interior.</p> <p>“Stroking the Male Ego: Men's Enhancement Underwear,” June 17, 2009.</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 66 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 8 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>“The Show-It design has a hidden “comfy cup” that gently lifts your package giving it a bigger more pronounced appearance. When I first saw the way these undies were constructed, I was a little apprehensive about the elastic being uncomfortable under my package; but as soon as I slipped them on, the elastic on the “comfy cup” wasn’t even noticeable.”</p> <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009) (emphasis added).</p> |

| Claim 9 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[9] A garment according to claim 1 wherein: the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p> <p>“[0009] . . . The cover panel defines with the front panel a penis receiving space above the opening of the front panel, and a scrotum receiving space below the opening of the front panel.”</p> <p>“[0013] FIG. 4 is a schematic front view of the first embodiment of the present invention, showing the genitals received in the penis receiving space and the scrotum receiving space.”</p> <p>“[0021] . . . When installed, the cover panel defines with the front panel 11 of the undergarment body 10 a penis receiving space and the crotch 14 a scrotum receiving space.”</p> <p>“[0022] . . . When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum.”</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 67 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

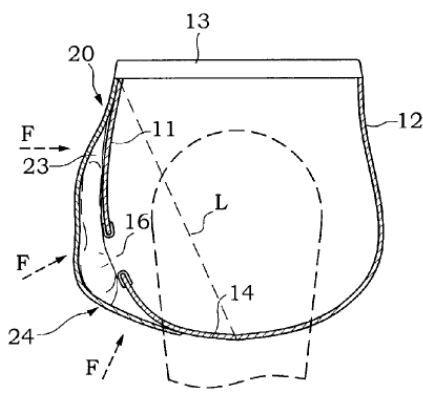
| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23. When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Referring to FIGS. 9-11, when the undergarment of the second embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the penis extended upwards and received in the tubular penis receiving space 53 defined between the front panel 11 of the undergarment body 10 and the front cover portion 47 and side cover portions 49 and 49' of the cover panel 40, and the scrotum received in the bag-like scrotum receiving space 54 defined between the front panel 11 of the undergarment body 10 and the cover panel 40 below the opening 16.”</p>  <p style="text-align: center;">Fig.5</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 68 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

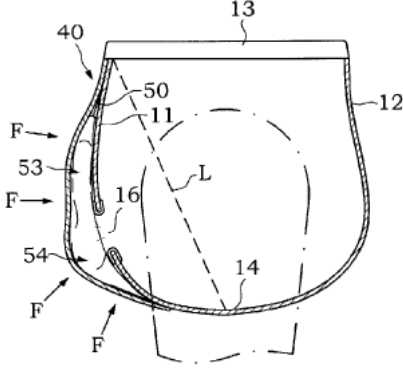
| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="693 714 798 755">Fig. 11</p> <p data-bbox="525 803 1690 844">Furthermore, the Andrew Christian Show-It Underwear discloses this limitation. <i>See, e.g.,</i></p> <p data-bbox="525 876 1837 982">“The pouch” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 69 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

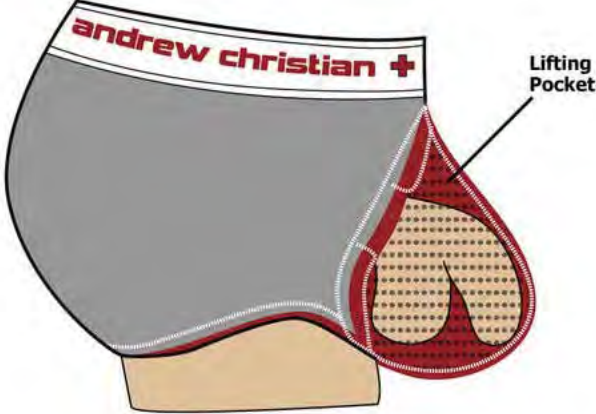

| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 70 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p data-bbox="527 280 1812 386">soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian's Show-It collection is a terrific example of this." "Stroking the Male Ego: Men's Enhancement Underwear," June 17, 2009.</p>  <p data-bbox="527 1068 1854 1138">"Review: Andrew Christian "Show-It" Boxer," https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 71 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 9 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | “Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009) |

| Claim 10 | Exemplary Disclosure in Prior Art |
|--|---|
| [10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend. | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> |

| Claim 13 | Exemplary Disclosure in Prior Art |
|--|---|
| [13] A garment according to claim 1 wherein the opening has a U-shape when the stretch panel is in a relaxed state. | <p>See above regarding claim 1.</p> <p>One with ordinary skill in the art would, based on one’s knowledge and the disclosure in the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of the Andrew Christian Show-It Underwear to meet this limitation.</p> <p>The Andrew Christian Show-It Underwear includes a stretch panel with an opening that has a U-shape when the stretch panel is in a relaxed state. <i>See e.g.,</i></p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 72 of 74**

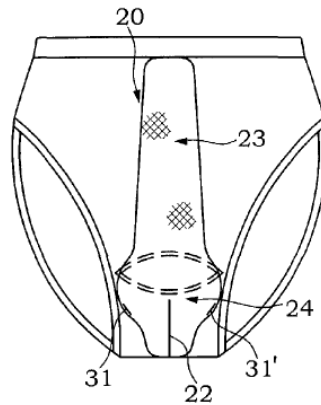
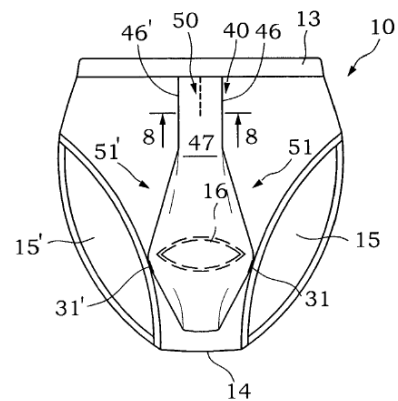
Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 13 | Exemplary Disclosure in Prior Art |
|-----------------|---|
| | <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

| Claim 14 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[14] A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a stretch panel formed from a single unitary piece of woven fabric. <i>See, e.g.,</i></p> <p>“[0022] . . . As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end.”</p> <p>“The men's undergarment as claimed in claim 1, wherein said cover panel is made of a piece of elastic ventilating cloth.” (Claim 2)</p> <p>“The men's undergarment as claimed in claim 1, wherein said cover panel is made of meshed piece of elastic cloth.” (Claim 3)</p> |

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 73 of 74**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

Claim 14**Exemplary Disclosure in Prior Art****Fig.3****Fig.7**

To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would,

Exhibit C-1**Invalidity of U.S. Patent No. 10,034,496****Page 74 of 74****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 14 | Exemplary Disclosure in Prior Art |
|-----------------|--|
| | <p>based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of the Andrew Christian Show-It Underwear to meet this limitation. <i>See, e.g.,</i></p> <p>"It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian's Show-It collection is a terrific example of this." "Stroking the Male Ego: Men's Enhancement Underwear," June 17, 2009.</p> |

| Claim 15 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[15] A garment according to claim 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p> <p>"[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. . . . Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing."</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 1 of 73****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

Upon information and belief, the disclosure of U.S. Patent Publication No. 2004/0025218 (published Feb. 12, 2004) (“’218 Publication”) either expressly, implicitly, or inherently anticipates the asserted claims of U.S. Patent No. 9,687,030 under 35 U.S.C. § 102 and/or renders those claims obvious under 35 U.S.C. § 103 in view of the Andrew Christian Show-It Underwear and/or European Patent Application No. EP 0 476 818 A1 (Published March 25, 1992) (“EP O 476 818”) and/or U.S. Patent No. 7,631,369 (issued Dec. 15, 2009) (the “’369 Patent”), as set forth in the chart below.

The following contentions are subject to revision and amendment pursuant to Federal Rule of Civil Procedure 26(e) and the Court Orders in this matter subject to further investigation and discovery regarding the references.

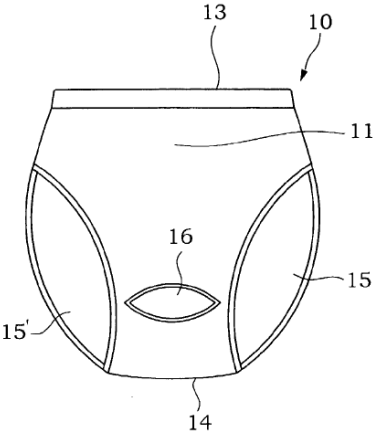
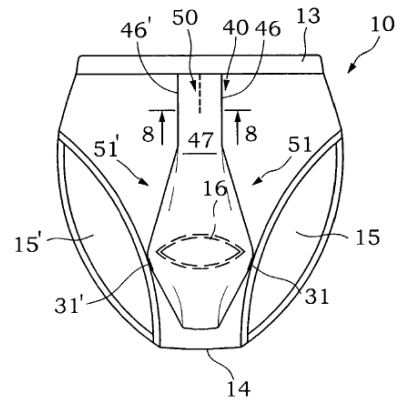
| Claim 1 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[1.pre] 1. A male garment comprising:</p> | <p>The ’218 Publication discloses a male garment. <i>See, e.g.,</i></p> <p>“A men's undergarment” (Abstract) “MEN'S UNDERGARMENT” (Title)</p> <p>“[0002] The present invention provides an undergarment for men and, more particularly, to such a men's undergarment that is good for the health of the user's genitals.”</p>  <p>Fig. 1</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 2 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig.7**

Furthermore, the Andrew Christian Show-It Underwear is a male garment. *See, e.g.,*



“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 3 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

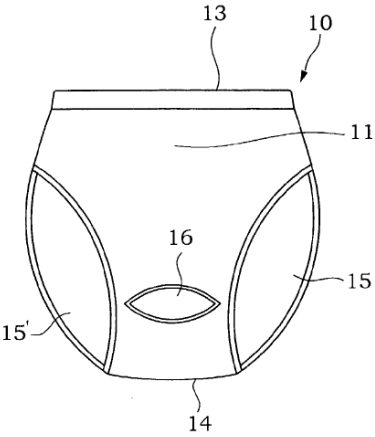
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| | <p>The line consists of boxer-briefs, briefs, jocks and swimwear.” “Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |
| <p>[1.1] a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;</p> | <p>The '218 Publication discloses a body including a front portion and having leg openings for a wearer's legs. <i>See, e.g.</i>,</p> <p>“A men's undergarment having an opening in the front panel of the undergarment body thereof and a cover panel fastened to the undergarment body” (Abstract”)</p> <p>“[0009] . . . The under undergarment body comprises a front panel, a back panel, a waistband, and a crotch, and two leg holes.”</p> <p>“[0021] Referring to FIG. 1, a men's undergarment in accordance with the present invention is shown comprised of an undergarment body 10 and a cover panel. The undergarment body 10 comprises a front panel 11, a back panel 12 (see FIG. 5), a waistband 13, and a crotch 14, defining two leg holes 15 and 15'.”</p>  <p>Fig. 1</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 4 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

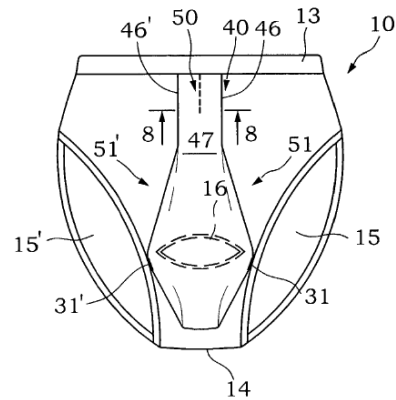
Claim 1**Exemplary Disclosure in Prior Art**

Fig. 7

Furthermore, the Andrew Christian Show-It Underwear includes a body including a front portion and having leg openings for a wearer's legs. *See, e.g.,*

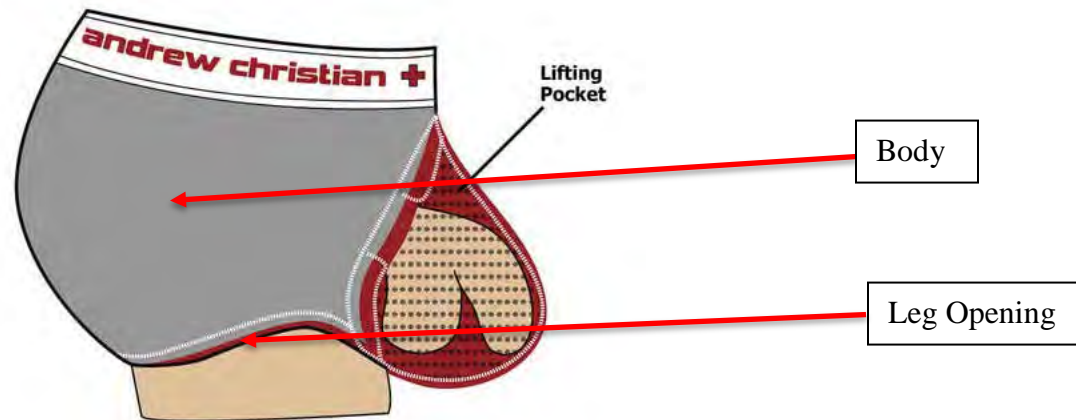


Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 5 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art



| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p data-bbox="527 280 1472 313">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p data-bbox="527 675 1835 781">“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p>  <p data-bbox="1415 922 1625 979">Front Portion</p> <p data-bbox="527 1325 1835 1422">“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 6 of 73****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>The '218 Publication discloses a body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>“[0015] FIG. 6 is an extended out view of the cover panel for the men's undergarment according to the second embodiment of the present invention.”</p> <p>“[0021] Referring to FIG. 1, a men's undergarment in accordance with the present invention is shown comprised of an undergarment body 10 and a cover panel. The undergarment body 10 comprises a front panel 11, a back panel 12 (see FIG. 5), a waistband 13, and a crotch 14, defining two leg holes 15 and 15'.”</p> <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10 a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. . . . Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 7 of 73****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

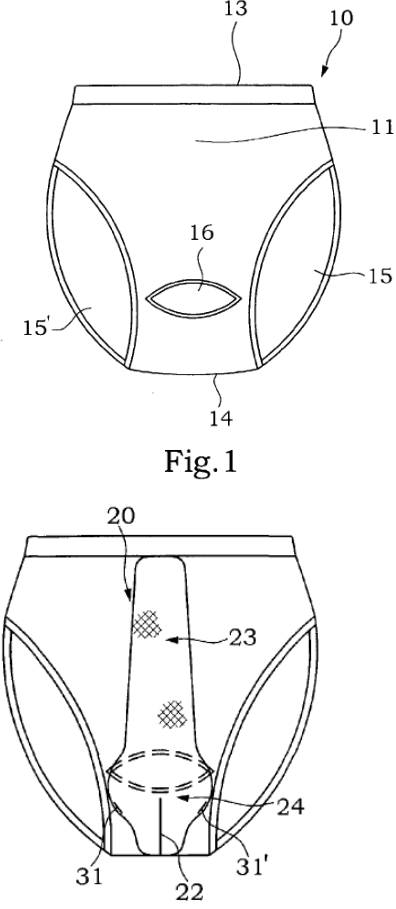
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>Fig. 1 is a front view of a pair of briefs. The waistband is labeled 10. The main body of the briefs is labeled 11. The leg openings are labeled 15 and 15'. The crotch area is labeled 14. A central opening in the crotch is labeled 16.</p> <p>Fig. 3 is a front view of a pair of briefs, similar to Fig. 1, but with additional features. The waistband is labeled 20. The main body is labeled 23. The leg openings are labeled 31 and 31'. The crotch area is labeled 22. A central opening in the crotch is labeled 24. There are also labels 23 and 24 pointing to specific features within the crotch area.</p> |

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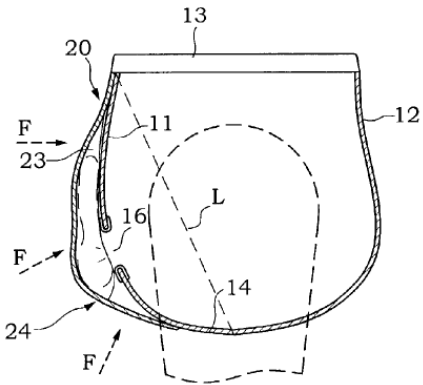
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="701 708 785 740">Fig. 5</p> |

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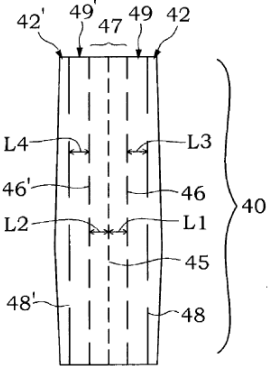
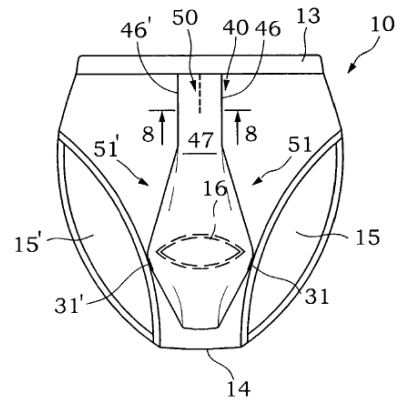
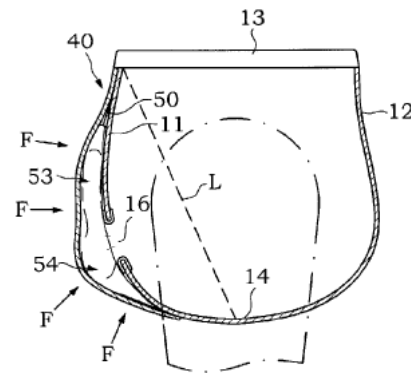
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="611 906 684 938">Fig. 6</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 10 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

Furthermore, the Andrew Christian Show-It Underwear includes a body including a crotch panel (hidden in currently available images) extending between the leg openings and joined to the front portion along a first seam. *See, e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art



| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| |  <p data-bbox="520 750 1474 782">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p data-bbox="520 1144 1837 1253">“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |
| <p>[1.2] a waistband attached by a waistband seam at an upper edge of the body;</p> | <p>The '218 Publication discloses a waistband attached by a waistband seam at an upper edge of the body. <i>See, e.g.,</i></p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

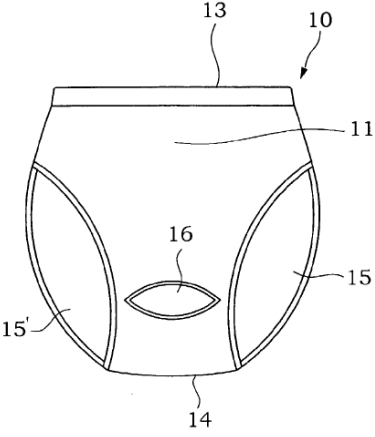
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“[T]he cover panel having top and bottom ends . . . fixedly fastened to waistband” (Abstract)</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0023] . . . The top and bottom ends of the well-folded cover panel 40 are then respectively stitched to the waistband 13 and crotch 14 of the undergarment body 10.”</p>  <p>Fig. 1</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

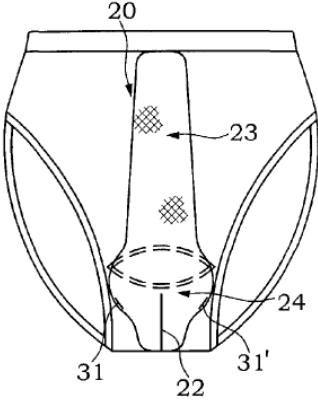
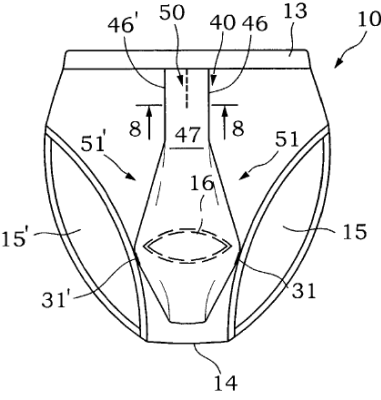
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="667 738 760 776">Fig.3</p>  <p data-bbox="709 1250 802 1287">Fig.7</p> <p data-bbox="525 1307 1669 1344">Furthermore, the Andrew Christian Show-It Underwear includes this limitation. <i>See, e.g.,</i></p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

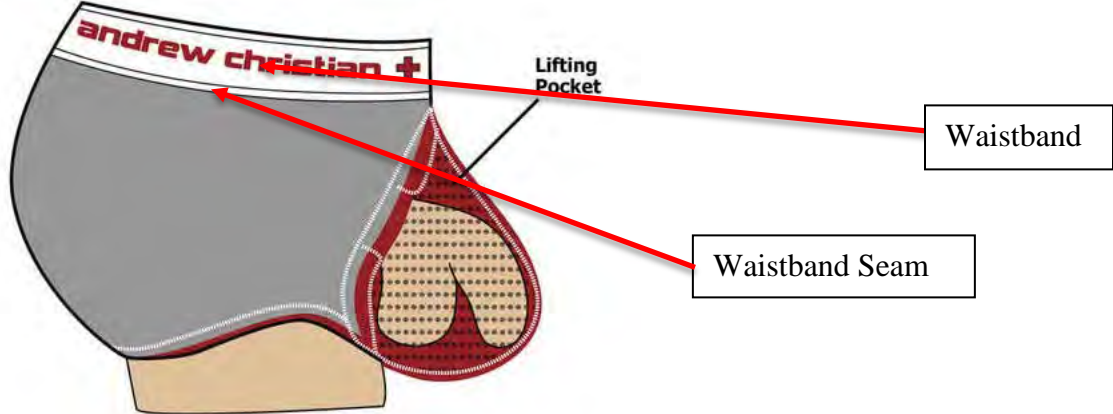

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="520 748 1472 784">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p data-bbox="520 1146 1835 1252">“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|---|---|
| |  <p>“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |
| <p>[1.3] a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously</p> | <p>The '218 Publication discloses a stretch panel attached to the body inside the front portion. <i>See, e.g.,</i></p> <p>“[0009] The cover panel has top and bottom ends respectively fixedly fastened to the waistband and the crotch”</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

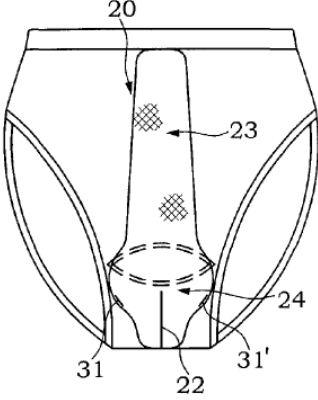
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>along either side of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;</p> | <p>part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status. Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p>  <p style="text-align: center;">Fig.3</p> |

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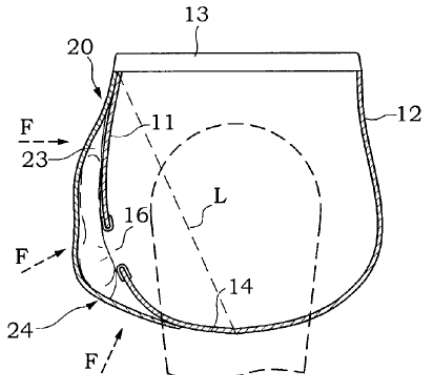
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="693 698 798 747">Fig.5</p> |

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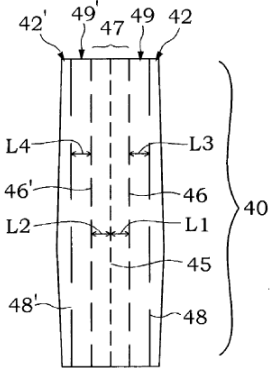
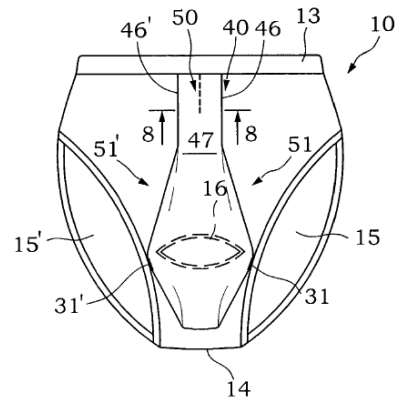
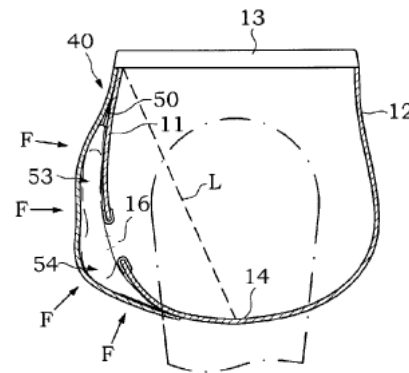
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="611 906 686 938">Fig.6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

The '218 Publication discloses a stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 20 of 73****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals. <i>See, e.g.,</i></p> <p>“[0009] The cover panel has top and bottom ends respectively fixedly fastened to the waistband and the crotch”</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status. Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

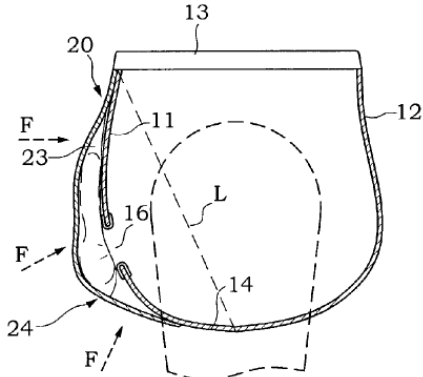
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>received in the penis receiving space 23. When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40.”</p> <p>“The men's undergarment as claimed in claim 1, wherein said cover panel has an upper part, which defines with said undergarment body said penis receiving space, and two smoothly arched side flaps symmetrically bilaterally formed integral with a lower part thereof and defining with said undergarment body said scrotum receiving space.” (Claim 4)</p> <p>“The men's undergarment as claimed in claim 5, wherein the outer portion of each of said arched side flap is respectively stitched to said undergarment body, forming a respective stitched line.” (Claim 6)</p>  <p style="text-align: center;">Fig. 5</p> |

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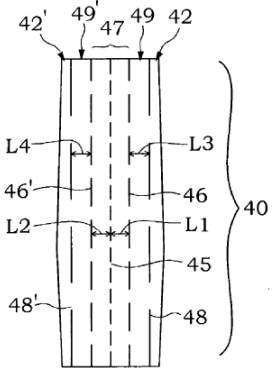
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="611 906 686 938">Fig.6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="518 280 924 649"> </div> <p data-bbox="688 716 789 751">Fig. 11</p> <p data-bbox="518 769 1892 841">Furthermore, the Andrew Christian Show-It Underwear includes a stretch panel attached to the body inside the front portion. <i>See, e.g.,</i></p> <div data-bbox="541 902 1675 1318"> </div> <p data-bbox="518 1349 1474 1385">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>The '218 Publication discloses an the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See, e.g.,</i></p> <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23.”</p> <p>“[0026] . . . Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 25 of 73****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

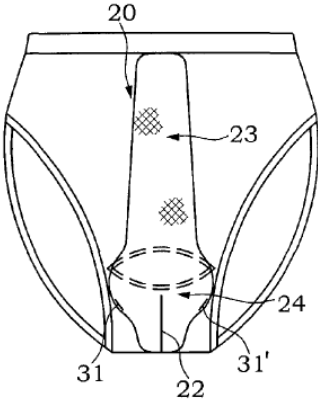
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p data-bbox="525 280 1848 354">“[0027] . . . Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> <p data-bbox="525 391 1885 496">“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened.”</p>  <p data-bbox="674 954 758 995">Fig.3</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

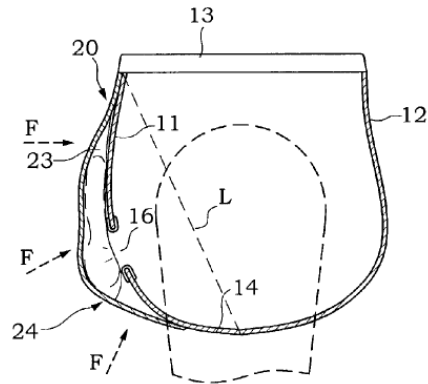
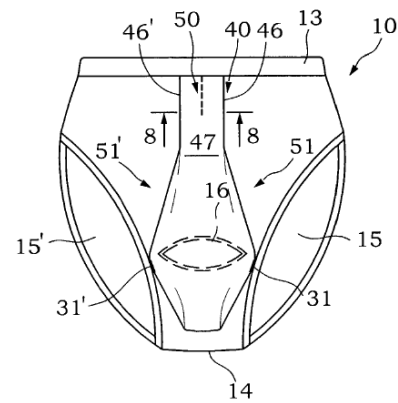
Claim 1**Exemplary Disclosure in Prior Art****Fig.5****Fig.7**

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="518 280 924 649"> </div> <p data-bbox="688 716 789 751">Fig. 11</p> <p data-bbox="518 808 1892 1170">To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a stretch panel attached to the body inside the front portion having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of the Andrew Christian Show-It Underwear to meet this limitation. <i>See, e.g.,</i></p> <p data-bbox="518 1211 1787 1317">“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 28 of 73****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

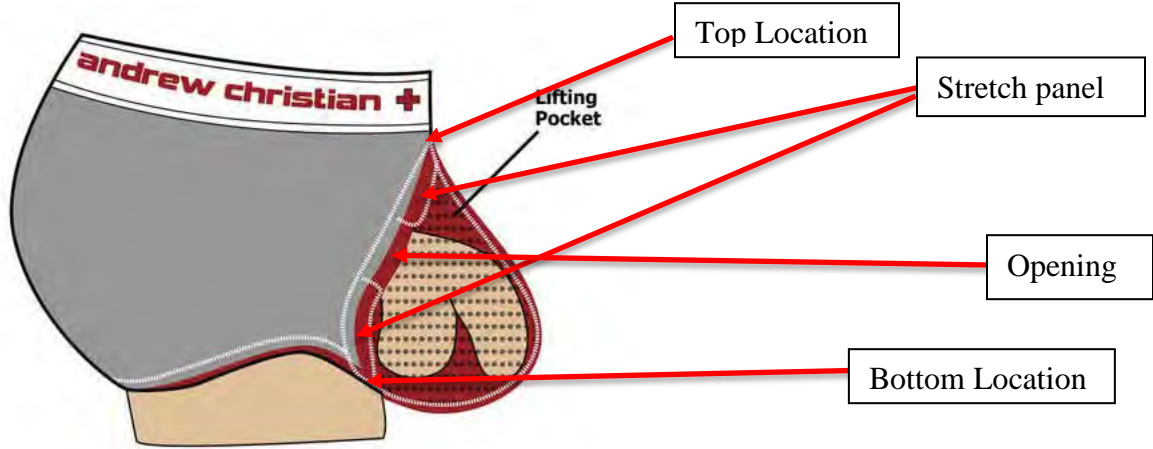

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="520 787 1472 820">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p data-bbox="520 1182 1835 1287">“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 29 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| |  <p data-bbox="520 886 1856 954">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> |
| <p>[1.4] the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, the stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband</p> | <p>The '218 Publication discloses a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. <i>See, e.g.,</i></p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 30 of 73****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>seam and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn.</p> | <p>center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status.”</p> <p>“[0023] The top and bottom ends of the well-folded cover panel 40 are then respectively stitched to the waistband 13 and crotch 14 of the undergarment body 10.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40. Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> <p>“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened. The length of the stitched line 50 is determined subject to the size</p> |

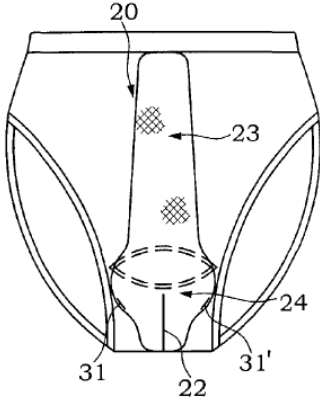
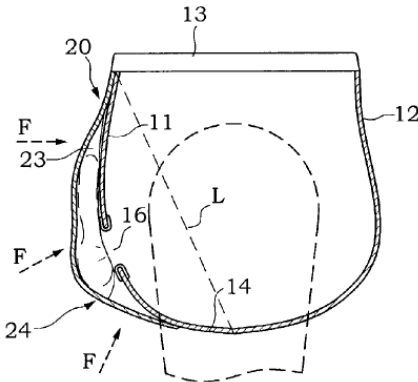
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p data-bbox="520 279 1877 350">and style of the undergarment. Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p>  <p data-bbox="665 807 756 847">Fig.3</p>  <p data-bbox="693 1333 783 1375">Fig.5</p> |

Exhibit C-2

Invalidity of U.S. Patent No. 9,687,030

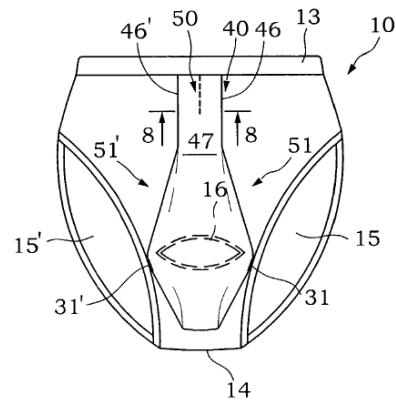
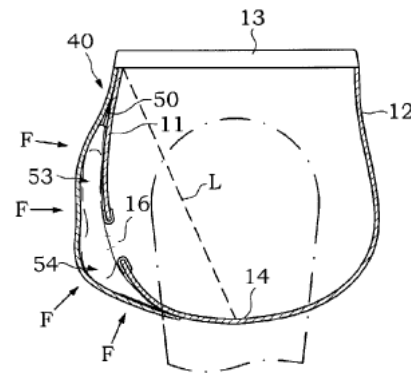
Page 32 of 73

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|-----------------------------------|
| | <div></div> <p>Fig.6</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 33 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

Furthermore, the Andrew Christian Show-It Underwear includes a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. *See, e.g.,*

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 34 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

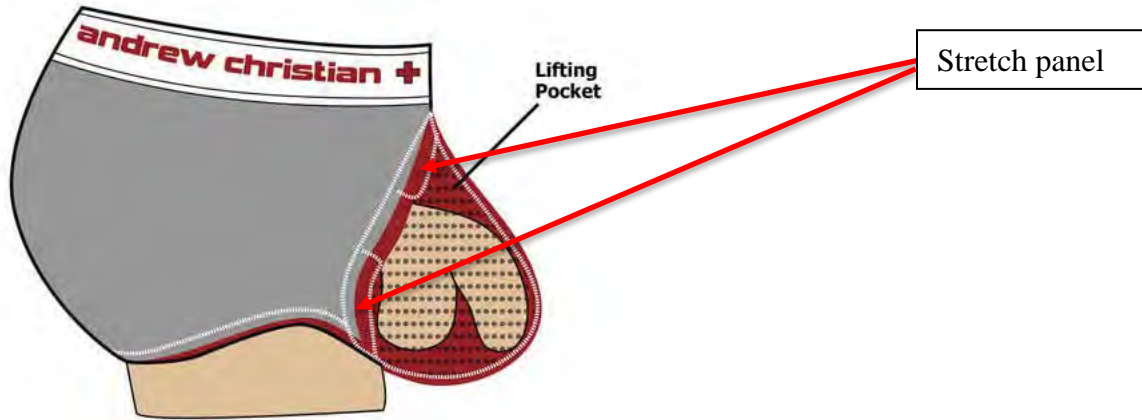
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>The diagram illustrates a pair of men's underwear, specifically the 'Show-It' collection by Andrew Christian. It features a grey main body and a red elastic support panel on the side. A 'Lifting Pocket' is shown as a red, textured area within the side panel. A 'Stretch panel' is indicated by a red box and lines pointing to the elastic support panel. The brand name 'andrew christian' is visible on the waistband.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>The '218 Publication discloses a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams. <i>See, e.g.,</i></p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 35 of 73****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] . . . When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40. Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 36 of 73****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

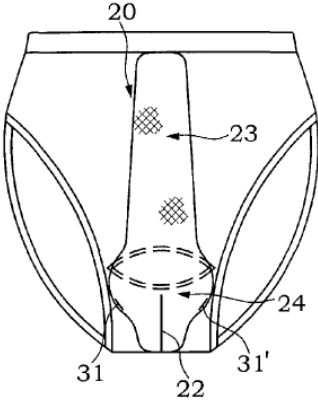
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p data-bbox="527 280 1892 459">“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened. The length of the stitched line 50 is determined subject to the size and style of the undergarment. Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p>  <p data-bbox="674 922 758 959">Fig.3</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 37 of 73****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

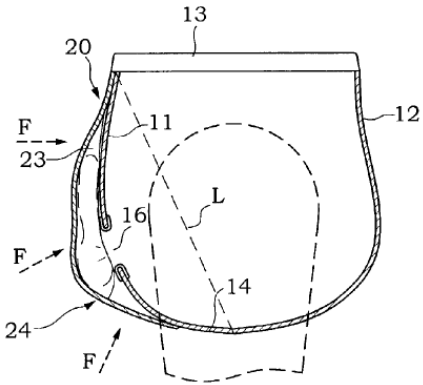
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="701 708 785 743">Fig. 5</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 38 of 73****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

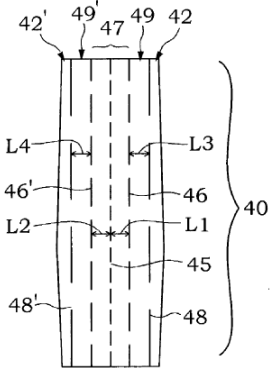
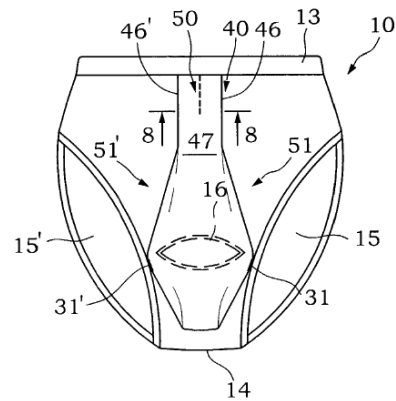
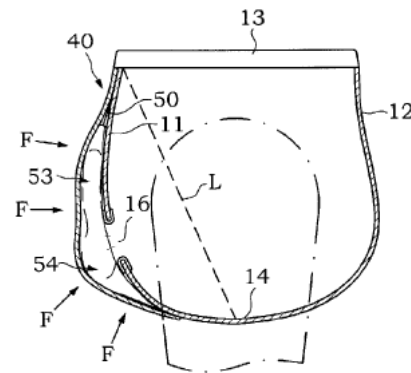
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="611 906 684 938">Fig.6</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 39 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

Furthermore, the Andrew Christian Show-It Underwear includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams. *See, e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

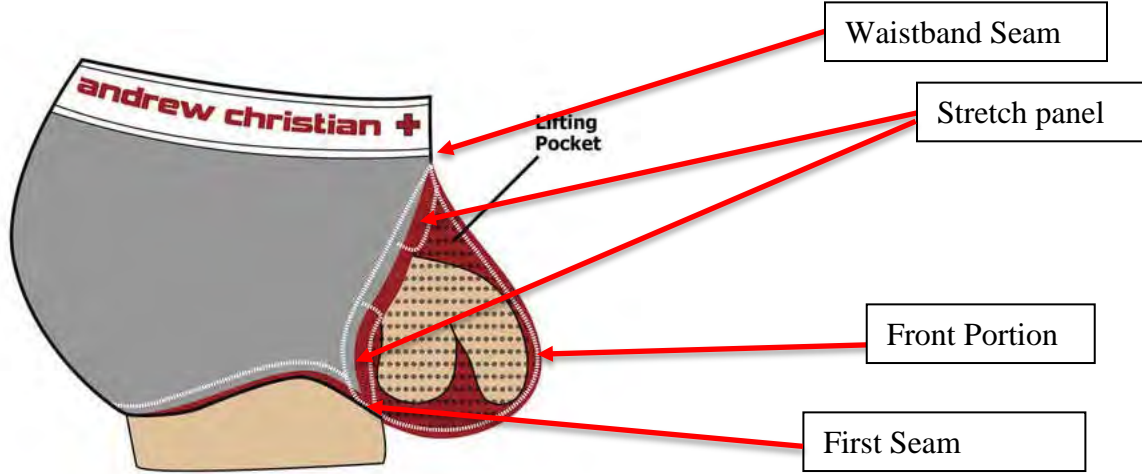
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p data-bbox="525 316 1785 422">“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p>  <p data-bbox="525 933 1470 966">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p data-bbox="525 1006 1879 1079">The front portion of the ’218 Publication defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer’s genitals. <i>See, e.g.,</i></p> <p data-bbox="525 1112 1890 1226">“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p data-bbox="525 1258 1879 1404">“[0022] When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom</p> |

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| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] . . . When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40. Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> <p>“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened. The length of the stitched line 50 is determined subject to the size and style of the undergarment. Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p> |

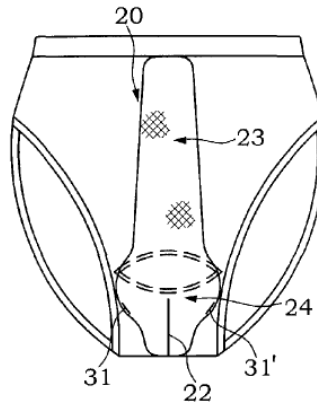
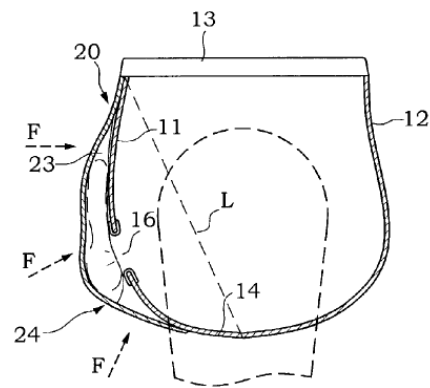
Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 42 of 73****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art****Claim 1****Exemplary Disclosure in Prior Art****Fig.3****Fig.5**

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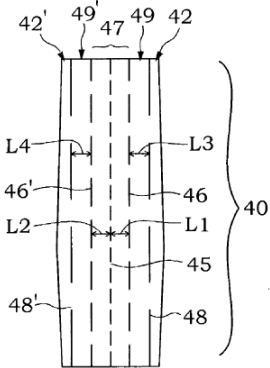
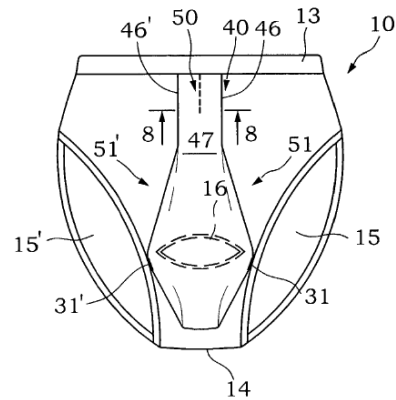
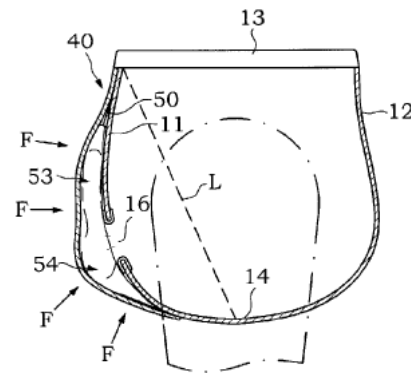
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="606 906 684 938">Fig. 6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The Andrew Christian Show-It Underwear includes a front portion that defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn. <i>See e.g.</i>,</p>  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>Alternatively, one of ordinary skill in the art would understand how to make a garment wherein the front portion is gathered from side-to-side and top-to-bottom by the stretch panel, wherein the stretch panel has a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams. For example, EP O 476 818 teaches a method of gathering from side-to-side and top-to-bottom by an elastic fabric. <i>See, e.g.</i>,</p> |

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| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>“The garment now has a waist opening 31 and in accordance with the present invention, an elasticated band 32 is secured in face to face contact to a marginal portion 33 of the garment surrounding the waist opening 31. The band 32 is secured to the garment whilst in a tensioned condition (i.e. stretched condition) so that on relaxation, the fabric of the marginal portion 33 is ruched thereby enabling the band to stretch when the garment is being worn.” (4:4-12)</p> <p>“The operative inserts the garment over the band, drops the presser foot 56, sews a pre-set number of stitches, typically two or three, after which the roller 59 drops automatically, and the metering device 62 automatically reverses to apply the pre-programmed tension to the band so that the ruched effect can be achieved.” (6:47-53)</p> |

| Claim 2 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[2] A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See, e.g.,</i></p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> |

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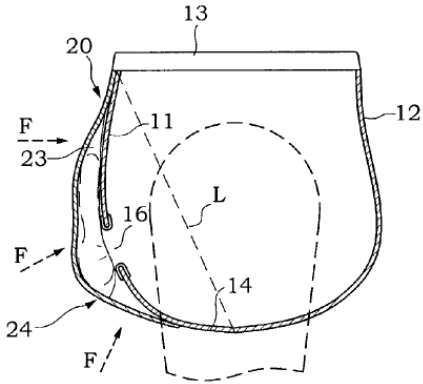
| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="701 708 785 743">Fig. 5</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 48 of 73****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

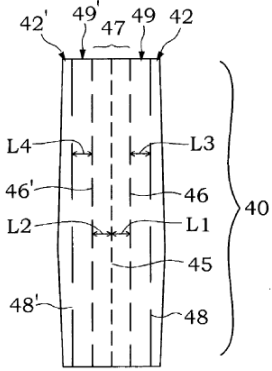
| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="611 906 688 938">Fig.6</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 49 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

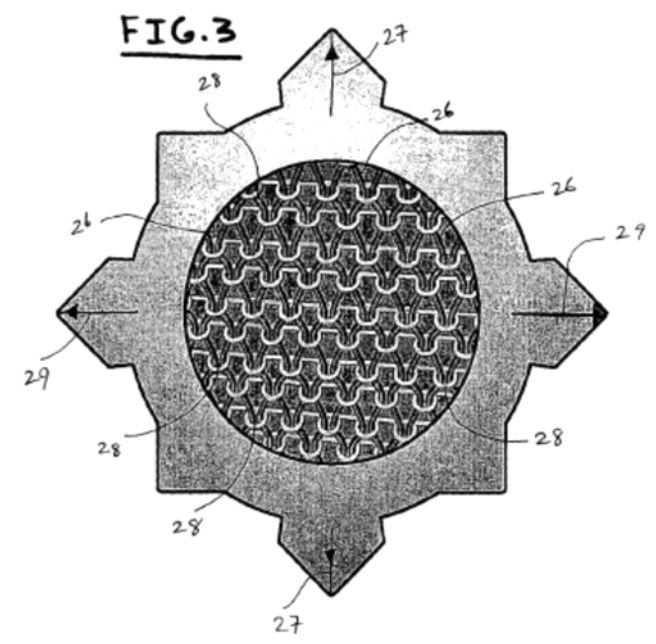
| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="518 280 924 649"> </div> <p data-bbox="688 716 791 751">Fig. 11</p> <p data-bbox="518 808 1892 1057">To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p data-bbox="518 1101 1892 1208">The Andrew Christian Show-It Underwear is a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See, e.g.,</i></p> <p data-bbox="518 1247 1787 1354">“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

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| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“The Show-It design has a hidden “comfy cup” that gently lifts your package giving it a more pronounced appearance.” “Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>The ’369 Patent discloses asymmetrical stretch characteristics of a fabric such that it stretches more easily in one direction and less easily in a direction at right angles to the first direction. <i>See, e.g.,</i></p> <p>“With reference to FIG. 3, the warp knit is generally known in the art for having strands 26 running substantially parallel along a direction 27 of the fabric. Lateral threads 28 running substantially perpendicular to the strands 26 and in a direction 29 encircle sets of two strands 26 at once. Each adjacent lateral thread 28 encircles one of the two strands 26 in the first set and one of the two strands 26 from the second set. This pattern is repeated throughout. The warp knit, by virtue of having parallel strands 26 along the direction 27 of the fabric, is resistant to stretch in the direction 27 when compared to other knitted fabrics, which may undesirably stretch. Thus, the warp knit fabric stretches less along the direction 27 than along the direction 29.” (2:40-52)</p> <p>“The warp knit fabric used to form the groin portion 14 can stretch a relatively greater amount in the horizontal direction, roughly parallel to the waistband, than in the vertical direction. The ability to stretch in the horizontal direction allows for the accommodation of different sizes and shapes of male genitals. The groin portion stretches in the horizontal direction to accommodate the genitals of the supporter user while maintaining slight pressure on the genitals in the horizontal direction, thus aiding the cupping and compression functions of the supporter 10.” (3:1-10)</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 51 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>FIG. 3</p>  |

| Claim 5 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[5] A garment according to claim 1 wherein the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%. <i>See, e.g.,</i></p> <p>“[T]he cover panel having top and bottom ends . . . fixedly fastened to waistband” (Abstract)</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 52 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

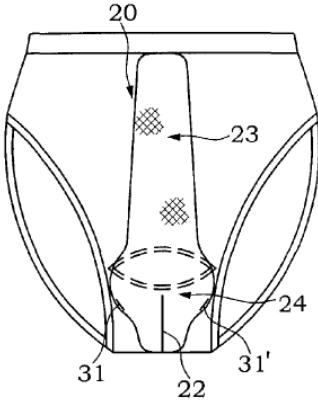
| Claim 5 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>the stretch panel when unstretched, by at least 30%.</p> | <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0023] . . . The top and bottom ends of the well-folded cover panel 40 are then respectively stitched to the waistband 13 and crotch 14 of the undergarment body 10.”</p>  <p>Fig.3</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 53 of 73****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

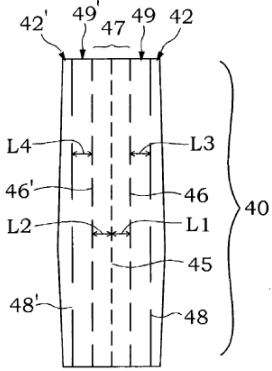
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="611 906 686 938">Fig.6</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 54 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="546 284 945 690"> </div> <p data-bbox="709 727 793 771">Fig.7</p> <p data-bbox="520 824 1894 1042">To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p data-bbox="520 1079 1894 1188">The Andrew Christian Show-It Underwear is a garment where the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%. <i>See e.g.</i>,</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 55 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="531 282 1241 758" data-label="Image"> </div> <p data-bbox="516 779 1837 885"> “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009). </p> <div data-bbox="539 924 1703 1364" data-label="Image"> <p data-bbox="1419 927 1717 1024">Waistband seam</p> <p data-bbox="1388 1232 1566 1300">First seam</p> </div> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 56 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| | "Stroking the Male Ego: Men's Enhancement Underwear," June 17, 2009. |

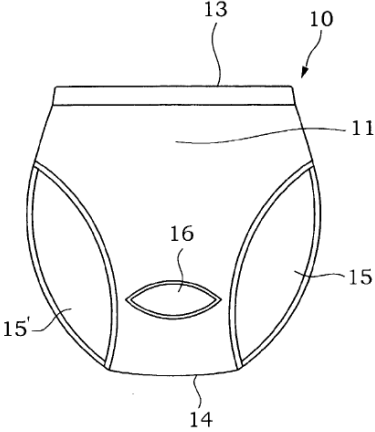
| Claim 6 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[6] A garment according to claim 1 wherein the garment is a pair of undershorts.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a pair of undershorts. <i>See, e.g.,</i></p> <p>"A men's undergarment" (Abstract) " MEN'S UNDERGARMENT" (Title)</p> <p>"[0002] The present invention provides an undergarment for men and, more particularly, to such a men's undergarment that is good for the health of the user's genitals."</p>  <p>Fig. 1</p> |


Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 57 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="546 284 945 690"> </div> <p data-bbox="709 727 793 766">Fig.7</p> <p data-bbox="520 787 1894 966">To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a pair of undershorts, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of the Andrew Christian Show-It Underwear to meet this limitation.</p> <p data-bbox="520 1006 1495 1042">The Andrew Christian Show-It Underwear is a pair of undershorts. <i>See e.g.</i>,</p> <p data-bbox="520 1079 1806 1188">“The line consists of boxer-briefs, briefs, jocks and swimwear.” “Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 58 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="525 885 1858 954">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> |

| Claim 7 | Exemplary Disclosure in Prior Art |
|--|--|
| <p data-bbox="121 1105 489 1279">[7] A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.</p> | <p data-bbox="525 1105 898 1138">See above regarding claim 1.</p> <p data-bbox="525 1177 1885 1247">The '218 Publication discloses a stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p data-bbox="525 1286 1864 1356">“[0030] 1. The cover panel 20 or 40 can be made of ventilating or meshed elastic cloth material different from the undergarment body 10, achieving a satisfactory ventilation effect.”</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 59 of 73****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 7 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of the Andrew Christian Show-It Underwear to meet this limitation.</p> <p>The Andrew Christian Show-It Underwear includes a stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p>"The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting..." "Andrew Christian – Show – It Technology Brief," https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>"It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian's Show-It collection is a terrific example of this." "Stroking the Male Ego: Men's Enhancement Underwear," June 17, 2009.</p> |

| Claim 8 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[8] A garment according to claim 1 wherein the opening has a width in excess of 2 cm.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses an opening with a width in excess of 2 cm. <i>See, e.g.,</i></p> <p>"[0009] . . . The cover panel defines with the front panel a penis receiving space above the opening of the front panel, and a scrotum receiving space below the opening of the front panel."</p> <p>"[0021] . . . The front panel 11 has an opening 16 corresponding to the genitals."</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

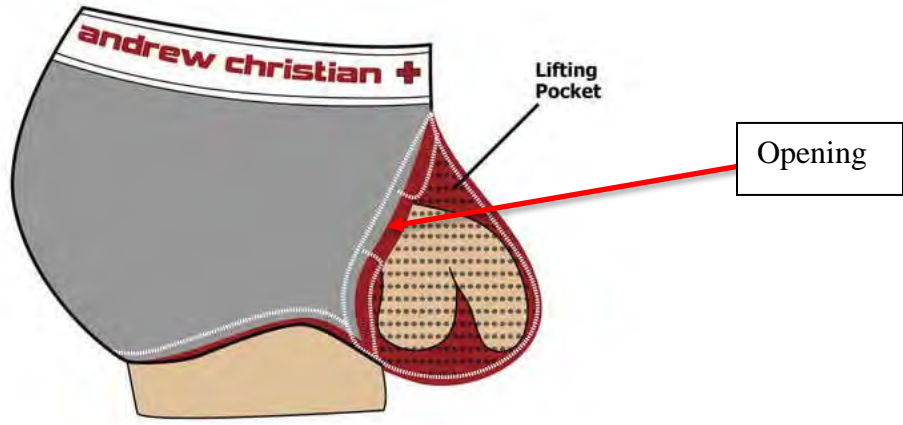
| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23.”</p> <p>“[00028] Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p> <p>To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose an opening with a width in excess of 2 cm, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation.</p> <p>Furthermore, Andrew Christian Show-It Underwear discloses this limitation. <i>See, e.g.,</i></p>  <p>The diagram shows a pair of grey briefs with a red waistband that reads "andrew christian +". A red, water-drop-shaped "Lifting Pocket" is attached to the fly area. A red arrow points from a box labeled "Opening" to a small hole in the pocket. The pocket is shown in a cross-section view, revealing a mesh-like interior.</p> <p>“Stroking the Male Ego: Men's Enhancement Underwear,” June 17, 2009.</p> |

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| Claim 8 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>“The Show-It design has a hidden “comfy cup” that gently lifts your package giving it a bigger more pronounced appearance. When I first saw the way these undies were constructed, I was a little apprehensive about the elastic being uncomfortable under my package; but as soon as I slipped them on, the elastic on the “comfy cup” wasn’t even noticeable.”</p> <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009) (emphasis added).</p> |

| Claim 9 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[9] A garment according to claim 1 wherein: the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p> <p>“[0009] . . . The cover panel defines with the front panel a penis receiving space above the opening of the front panel, and a scrotum receiving space below the opening of the front panel.”</p> <p>“[0013] FIG. 4 is a schematic front view of the first embodiment of the present invention, showing the genitals received in the penis receiving space and the scrotum receiving space.”</p> <p>“[0021] . . . When installed, the cover panel defines with the front panel 11 of the undergarment body 10 a penis receiving space and the crotch 14 a scrotum receiving space.”</p> <p>“[0022] . . . When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

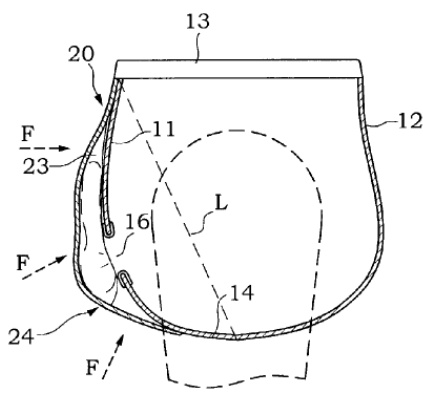
| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23. When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Referring to FIGS. 9-11, when the undergarment of the second embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the penis extended upwards and received in the tubular penis receiving space 53 defined between the front panel 11 of the undergarment body 10 and the front cover portion 47 and side cover portions 49 and 49' of the cover panel 40, and the scrotum received in the bag-like scrotum receiving space 54 defined between the front panel 11 of the undergarment body 10 and the cover panel 40 below the opening 16.”</p>  <p style="text-align: center;">Fig.5</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 63 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

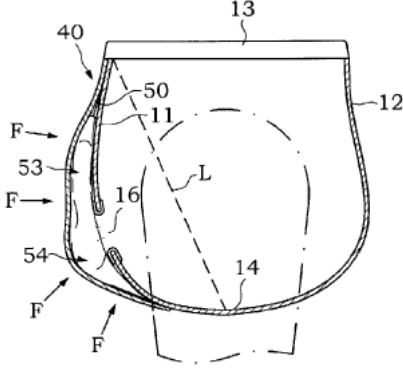
| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="693 714 798 755">Fig. 11</p> <p data-bbox="525 803 1690 836">Furthermore, the Andrew Christian Show-It Underwear discloses this limitation. <i>See, e.g.,</i></p> <p data-bbox="525 876 1837 982">“The pouch” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 64 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

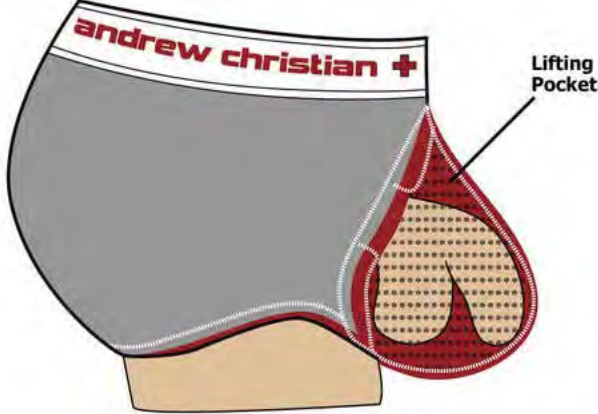

| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="520 748 1472 784">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p data-bbox="520 1146 1837 1252">“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p data-bbox="520 1292 1890 1398">“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 65 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian's Show-It collection is a terrific example of this." "Stroking the Male Ego: Men's Enhancement Underwear," June 17, 2009.</p>  <p>"Review: Andrew Christian "Show-It" Boxer," https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 66 of 73****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 9 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | “Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009) |

| Claim 10 | Exemplary Disclosure in Prior Art |
|--|---|
| [10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend. | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> |

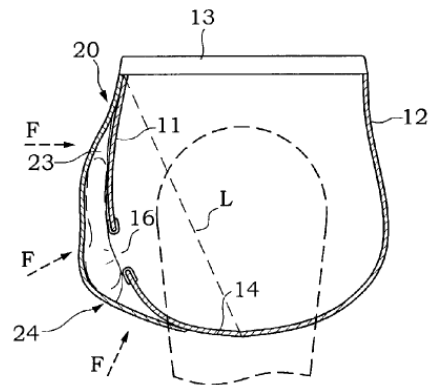
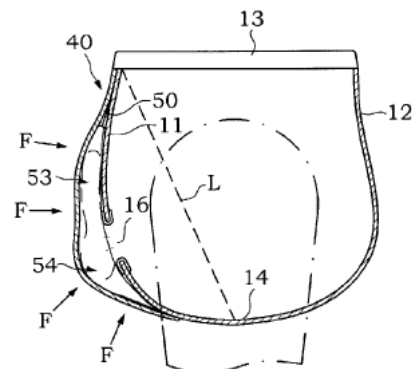
| Claim 12 | Exemplary Disclosure in Prior Art |
|--|--|
| [12] A garment according to claim 1, wherein the first seam is disposed forward of a perineum region of a wearer. | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses the first seam disposed forward of a perineum region of a wearer. <i>See, e.g.,</i></p> <p>“[0009] . . . The cover panel defines with the front panel a penis receiving space above the opening of the front panel, and a scrotum receiving space below the opening of the front panel.”</p> <p>“[0013] FIG. 4 is a schematic front view of the first embodiment of the present invention, showing the genitals received in the penis receiving space and the scrotum receiving space.”</p> <p>“[0021] . . . When installed, the cover panel defines with the front panel 11 of the undergarment body 10 a penis receiving space and the crotch 14 a scrotum receiving space.”</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 67 of 73****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 12 | Exemplary Disclosure in Prior Art |
|-----------------|---|
| | <p>“[0022] . . . When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum.”</p> <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23. When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Referring to FIGS. 9-11, when the undergarment of the second embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the penis extended upwards and received in the tubular penis receiving space 53 defined between the front panel 11 of the undergarment body 10 and the front cover portion 47 and side cover portions 49 and 49' of the cover panel 40, and the scrotum received in the bag-like scrotum receiving space 54 defined between the front panel 11 of the undergarment body 10 and the cover panel 40 below the opening 16.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

Claim 12**Exemplary Disclosure in Prior Art****Fig. 5****Fig. 11**

Furthermore, the Andrew Christian Show-It Underwear discloses this limitation. *See, e.g.,*

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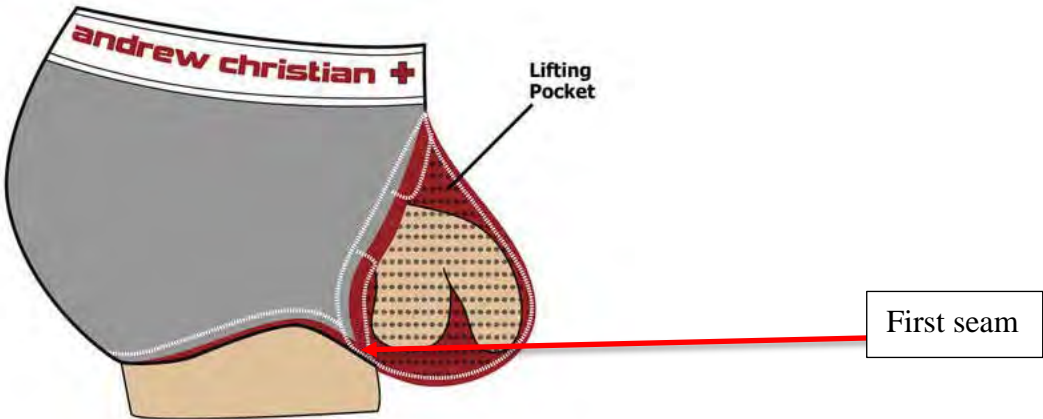

| Claim 12 | Exemplary Disclosure in Prior Art |
|----------|---|
| | <p data-bbox="527 280 1835 383">“The pouch” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p>  <p data-bbox="527 932 1472 964">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 70 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art



| Claim 12 | Exemplary Disclosure in Prior Art |
|----------|---|
| | <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 71 of 73**

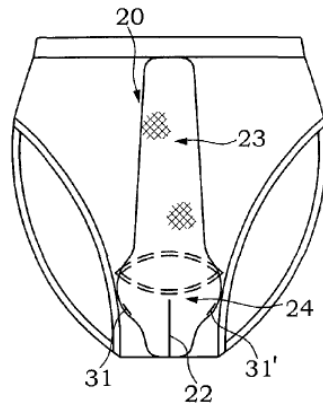
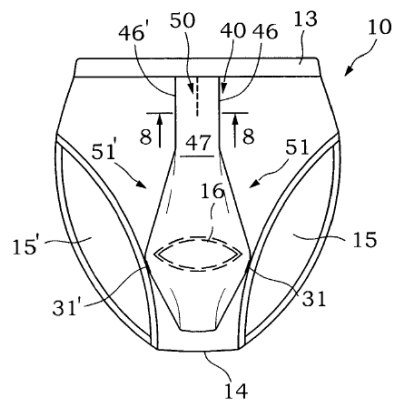
Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

| Claim 12 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> |

| Claim 14 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[14] A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a stretch panel formed from a single unitary piece of woven fabric. <i>See, e.g.,</i></p> <p>“[0022] . . . As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end.”</p> <p>“The men's undergarment as claimed in claim 1, wherein said cover panel is made of a piece of elastic ventilating cloth.” (Claim 2)</p> <p>“The men's undergarment as claimed in claim 1, wherein said cover panel is made of meshed piece of elastic cloth.” (Claim 3)</p> |

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 72 of 73**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art

Claim 14**Exemplary Disclosure in Prior Art****Fig.3****Fig.7**

To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would,

Exhibit C-2**Invalidity of U.S. Patent No. 9,687,030****Page 73 of 73****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness In View of Andrew Christian Show-It Underwear and/or Other Prior Art**

| Claim 14 | Exemplary Disclosure in Prior Art |
|-----------------|--|
| | <p>based on one's knowledge and the '218 Publication, understand how to modify the disclosure of '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of the Andrew Christian Show-It Underwear to meet this limitation. <i>See, e.g.,</i></p> <p>"It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian's Show-It collection is a terrific example of this." "Stroking the Male Ego: Men's Enhancement Underwear," June 17, 2009.</p> |

| Claim 15 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[15] A garment according to claim 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p> <p>"[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. . . . Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing."</p> |

Exhibit D-1**Invalidity of U.S. Patent No. 10,034,496****Page 1 of 82****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art**

Upon information and belief, the disclosure of U.S. Patent Publication No. 2004/0025218 (published Feb. 12, 2004) (“’218 Publication”) either expressly, implicitly, or inherently anticipates the asserted claims of U.S. Patent No. 10,034,496 under 35 U.S.C. § 102 and/or renders those claims obvious under 35 U.S.C. § 103 in view of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) (the “’058 Design”), and alternatively in further view of U.S. Patent Publication 2009/0106874 (published April 30, 2009) (“’874 Publication”), U.S. Patent 7,631,369 (issued Dec. 15, 2009; published as US 2007/0220660 on Sept. 27, 2007) (the “’369 Patent”), International Publication No. WO 98/39981 (published Sept. 17, 1998) (“WO 98/39981”), U.S. Publication No. 2007/0277285 (published Dec. 6, 2007) (the “’285 Publication”), European Patent Application No. EP 0 476 818 (published March 25, 1992) (“EP 0 476 818”), U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”), and/or WO 01/37687 A1 (published May 31, 2001) (“WO 01/37687”) as set forth in the chart below.

The following contentions are subject to revision and amendment pursuant to Federal Rule of Civil Procedure 26(e) and the Court Orders in this matter subject to further investigation and discovery regarding the references.

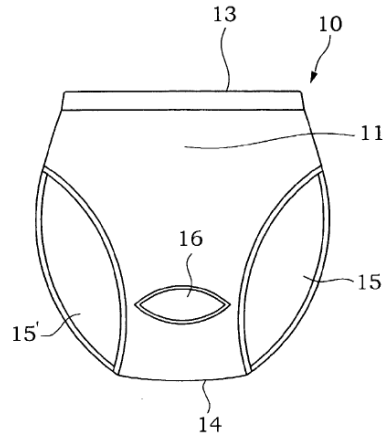
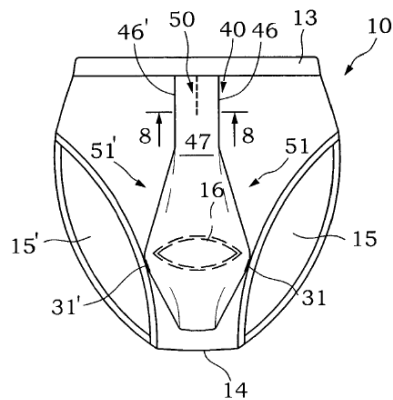
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| [1.pre] 1. A male garment comprising: | The ’218 Publication discloses a male garment. <i>See, e.g.</i> , “A men's undergarment” (Abstract) “MEN'S UNDERGARMENT” (Title) |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art**

“[0002] The present invention provides an undergarment for men and, more particularly, to such a men's undergarment that is good for the health of the user's genitals.”

**Fig. 1****Fig. 7**

Furthermore, the '058 Design discloses this limitation. *See, e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

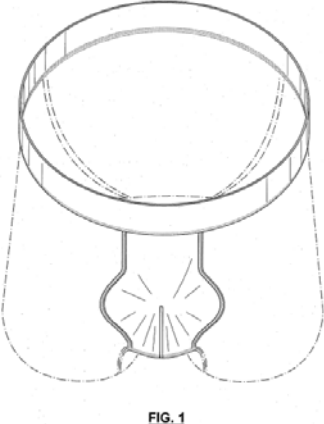
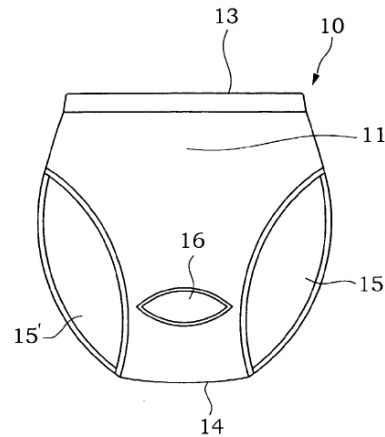
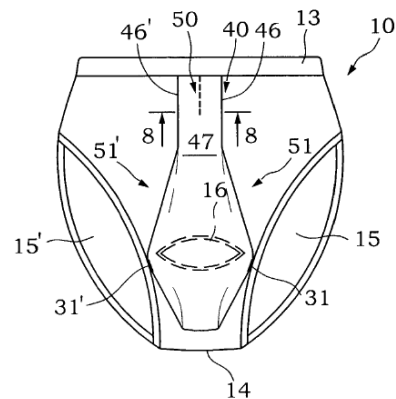
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| |  <p style="text-align: center;">FIG. 1</p> |
| <p>[1.1] a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;</p> | <p>The '218 Publication discloses a body including a front portion and having leg openings for a wearer's legs. <i>See, e.g.</i>,</p> <p>“A men's undergarment having an opening in the front panel of the undergarment body thereof and a cover panel fastened to the undergarment body” (Abstract”)</p> <p>“[0009] . . . The under undergarment body comprises a front panel, a back panel, a waistband, and a crotch, and two leg holes.”</p> <p>“[0021] Referring to FIG. 1, a men's undergarment in accordance with the present invention is shown comprised of an undergarment body 10 and a cover panel. The undergarment body 10 comprises a front panel 11, a back panel 12 (see FIG. 5), a waistband 13, and a crotch 14, defining two leg holes 15 and 15'.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 1****Fig. 7**

The '218 Publication discloses a body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. *See, e.g.,*

Exhibit D-1**Invalidity of U.S. Patent No. 10,034,496****Page 5 of 82**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>“[0015] FIG. 6 is an extended out view of the cover panel for the men's undergarment according to the second embodiment of the present invention.”</p> <p>“[0021] Referring to FIG. 1, a men's undergarment in accordance with the present invention is shown comprised of an undergarment body 10 and a cover panel. The undergarment body 10 comprises a front panel 11, a back panel 12 (see FIG. 5), a waistband 13, and a crotch 14, defining two leg holes 15 and 15'.”</p> <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. . . . Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p> |

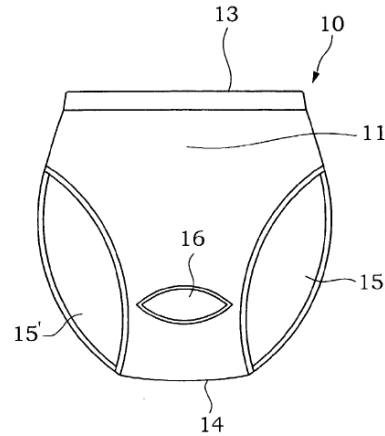
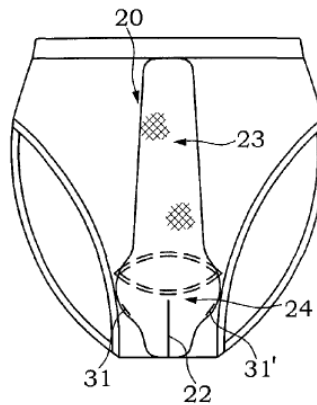
Exhibit D-1**Invalidity of U.S. Patent No. 10,034,496****Page 6 of 82****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art****Claim 1****Exemplary Disclosure in Prior Art****Fig. 1****Fig. 3**

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| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|-----------------------------------|
| | <p>Fig.5</p> |

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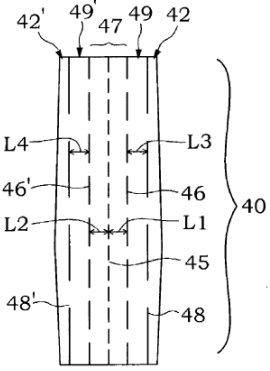
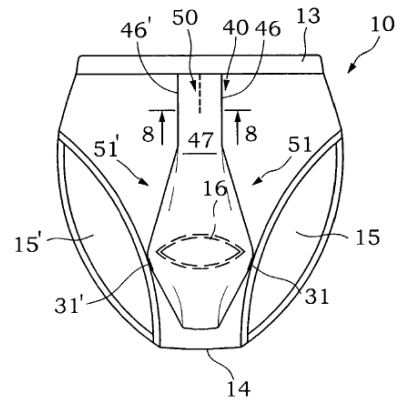
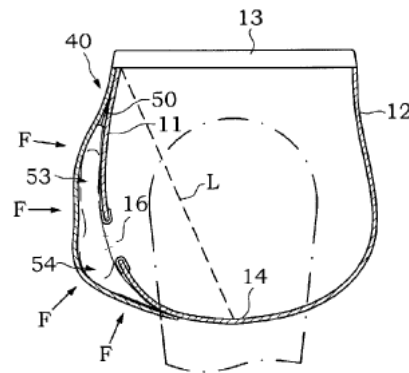
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="611 906 684 938">Fig. 6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

Furthermore, the '058 Design discloses this limitation. *See, e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

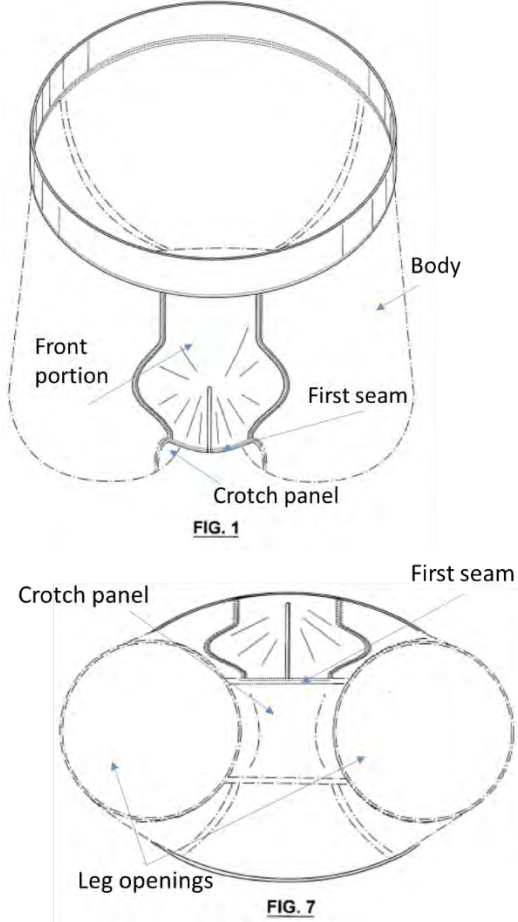
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>FIG. 1 is a perspective view of a garment (e.g., a pair of pants) showing a front portion, a crotch panel, and a first seam. The garment is labeled with 'Body', 'Front portion', 'First seam', and 'Crotch panel'. FIG. 7 is a perspective view of the garment showing the crotch panel, first seam, and leg openings. The garment is labeled with 'Crotch panel', 'First seam', and 'Leg openings'.</p> <p>Furthermore, the '369 Patent discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

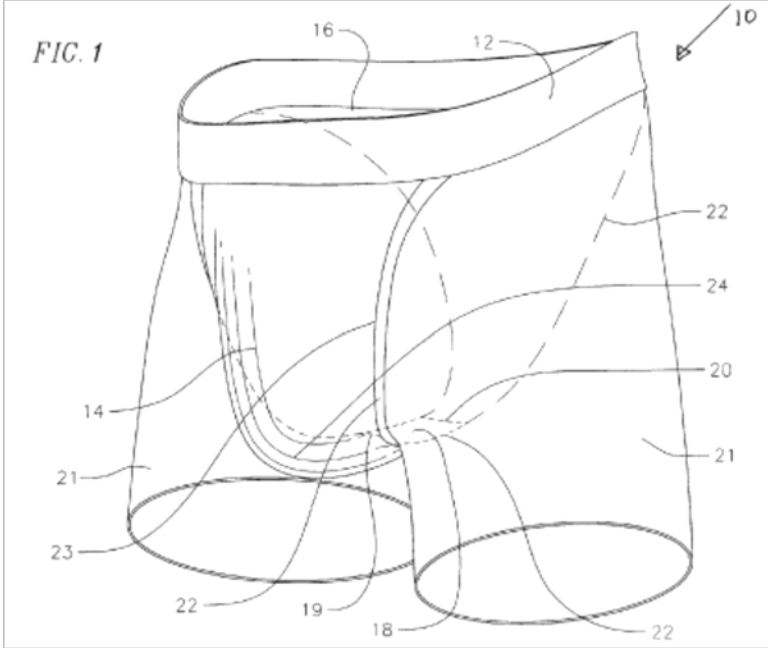
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“The stability anchor 18 connects the groin portion 14 to the back portion 16 by extending from the groin portion 14 to the back portion 16 while laterally following the contour of the inner thigh portions of the leg portions 20 and being connected to the leg portions 20.” (3:20-24)</p>  <p>Furthermore, WO 98/39981 discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

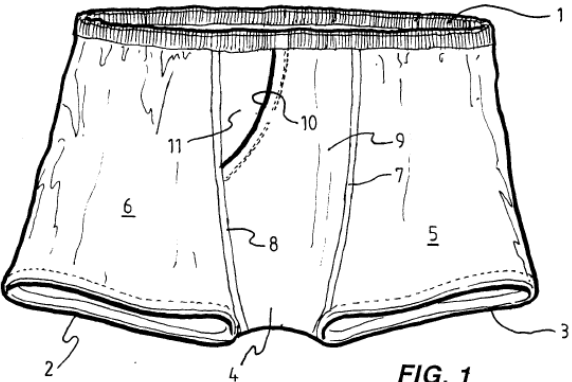
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“The style of the underpants providing an outer garment are conventional boxer shorts which is a style known and found to be very comfortable for normal usage. In accord with this embodiment there are full legs 2 and 3, and a joining panel 4 which is joined to leg panels 5 and 6 by seams 7 and 8. Seams 7 and 8 support a front panel 9 which is openable along the join at 10 and there is a back panel 11 behind this the joining edge of which is shown for instance in FIG 2 at 12 so that for normal purposes of relief, the penis can be manoeuvred between the several panels.” (3:22-4:4)</p>  <p style="text-align: center;">FIG. 1</p> |

Exhibit D-1

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

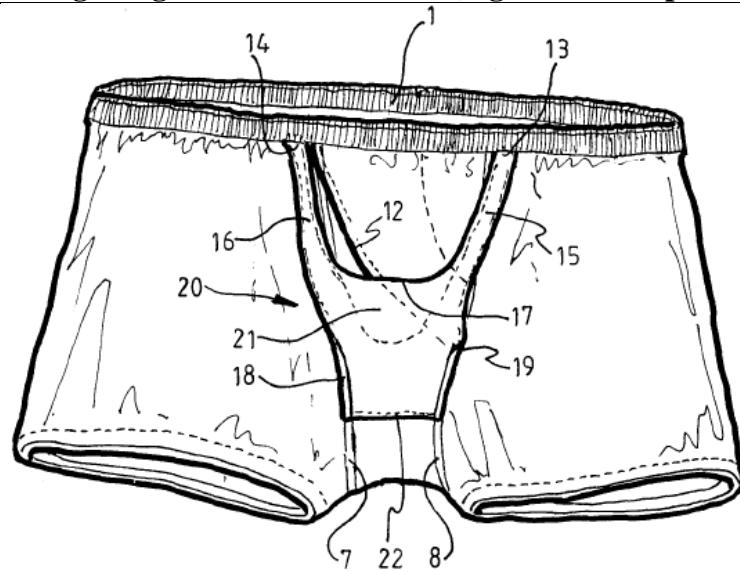
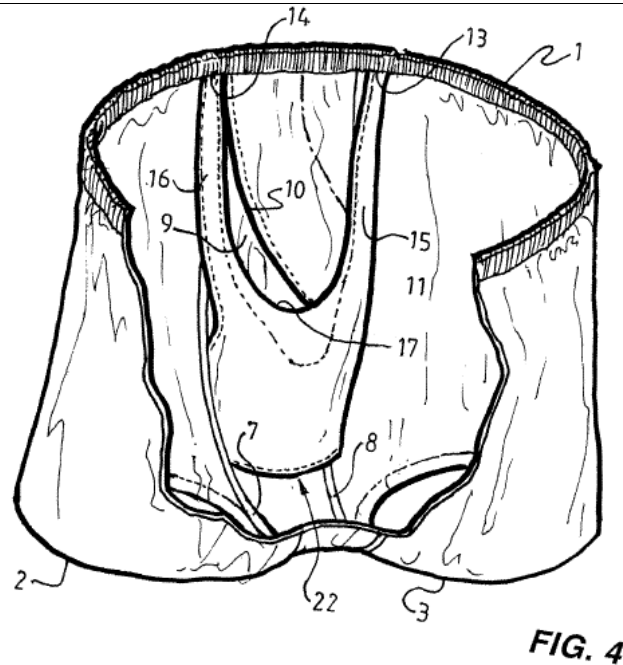


FIG. 2

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art**

Furthermore, the '285 Publication discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. *See, e.g.,*

“[0028] FIG. 7 shows is a frontal perspective view of a second, alternative embodiment of the multipurpose undergarment in accordance with the invention. In this embodiment, the undergarment shown generally at 70 again includes front leg portions 71 and 72 with corresponding leg openings 78a and 78b and includes a conventional front opening (fly) 73 secured by stitching to the front panel as shown at 75.”

“[0029] Not unlike the embodiment depicted in FIG. 1, the top edge of the pouch as shown in FIG. 7 can be secured to the interior of the undergarment along the elastic waste band (shown generally at 79). The

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

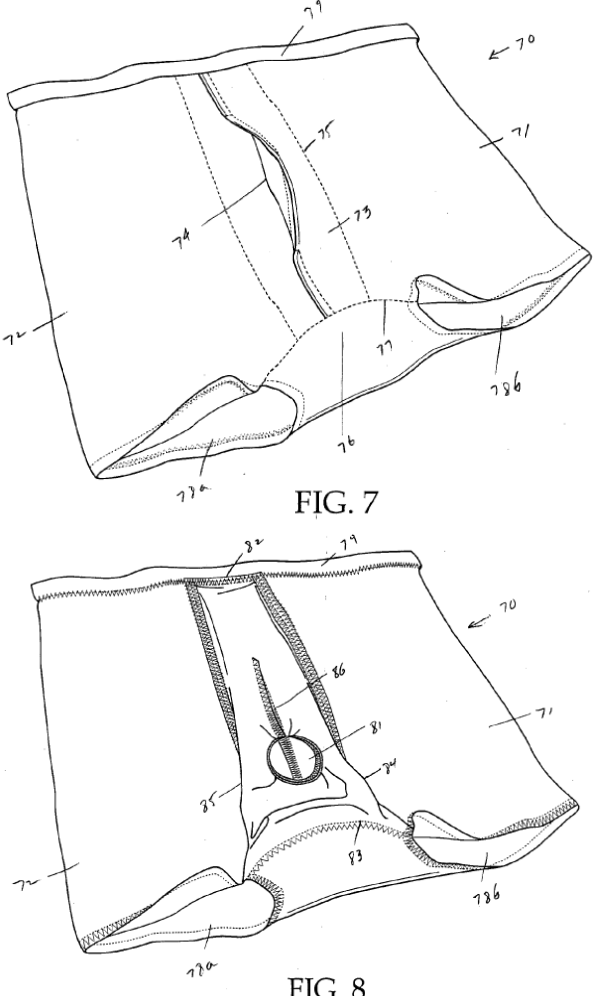
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>bottom edge can likewise be secured along the bottom portion 76 of the undergarment as shown along line 77.”</p>  <p>FIG. 7 is a perspective view of an undergarment 70, such as a pair of briefs, showing a front panel 71 and a back panel 72. A closure mechanism is shown along the bottom edge 76, including a strap 74, a buckle 75, and a strap 73. A dashed line 77 indicates a line of attachment. A small detail 786 is shown at the bottom right corner.</p> <p>FIG. 8 is a perspective view of the same undergarment 70, showing a different closure mechanism. It includes a strap 82, a buckle 86, and a strap 81. A dashed line 83 indicates a line of attachment. A small detail 85 is shown at the bottom left corner. The bottom edge 76 and corner detail 786 are also visible.</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

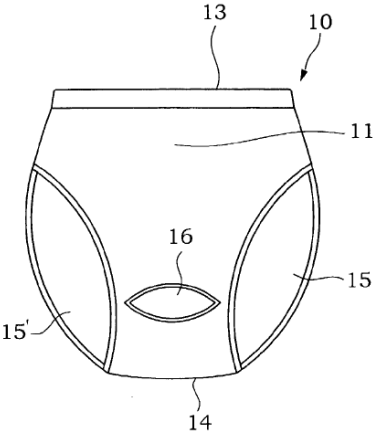
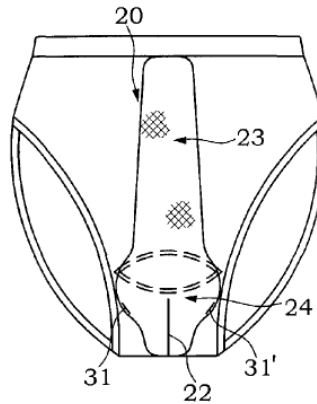
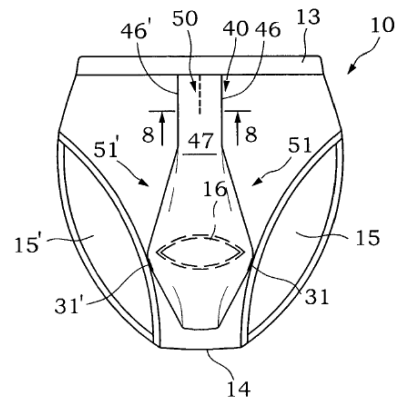
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| | <p>During prosecution of U.S. Pat. No. 9,687,030, the Applicant did not dispute that the '285 Publication meets this element. (See Amendment, July 8, 2014, pages 6-7.)</p> |
| <p>[1.2] a waistband attached by a waistband seam at an upper edge of the body;</p> | <p>The '218 Publication discloses a waistband attached by a waistband seam at an upper edge of the body. <i>See, e.g.,</i></p> <p>“[T]he cover panel having top and bottom ends . . . fixedly fastened to waistband” (Abstract)</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0023] . . . The top and bottom ends of the well-folded cover panel 40 are then respectively stitched to the waistband 13 and crotch 14 of the undergarment body 10.”</p>  <p>Fig. 1</p> |

Exhibit D-1**Invalidity of U.S. Patent No. 10,034,496****Page 17 of 82**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig.3****Fig.7**

Furthermore, the '058 Design discloses this limitation. *See, e.g.,*

Exhibit D-1**Invalidity of U.S. Patent No. 10,034,496****Page 18 of 82**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

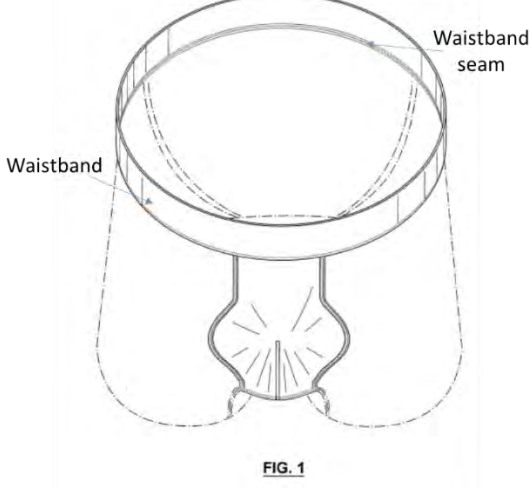
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| |  <p>FIG. 1</p> |
| <p>[1.3] a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals, the opening having a</p> | <p>The '218 Publication discloses a stretch panel attached to the body inside the front portion. <i>See, e.g.,</i></p> <p>“[0009] The cover panel has top and bottom ends respectively fixedly fastened to the waistband and the crotch”</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

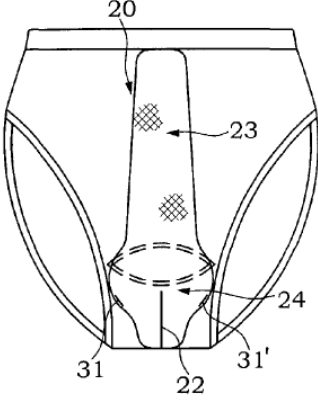
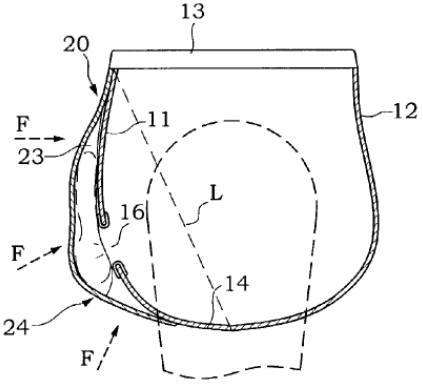
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;</p> | <p>forwards from the undergarment body 10, forming a three-dimensional status. Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing."</p>  <p style="text-align: center;">Fig.3</p>  <p style="text-align: center;">Fig.5</p> |

Exhibit D-1**Invalidity of U.S. Patent No. 10,034,496****Page 20 of 82****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art**

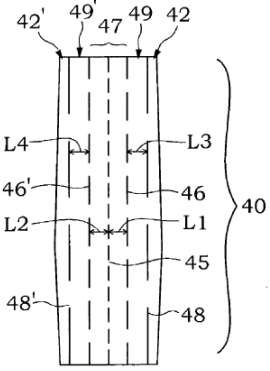
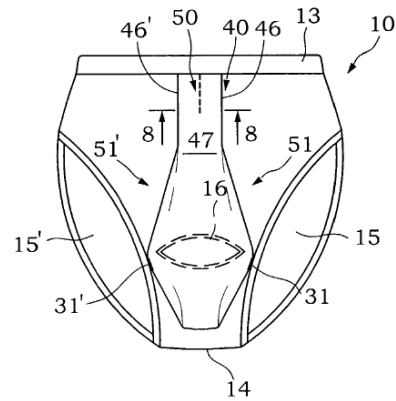
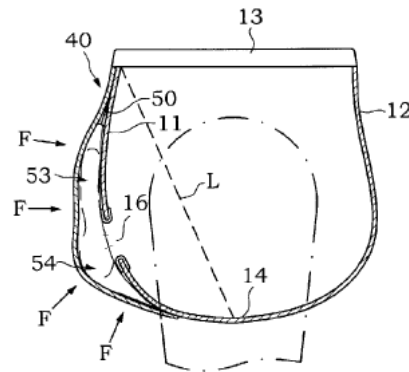
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="611 906 684 938">Fig.6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

The '218 Publication discloses a stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a

Exhibit D-1**Invalidity of U.S. Patent No. 10,034,496****Page 22 of 82**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals. <i>See, e.g.,</i></p> <p>“[0009] The cover panel has top and bottom ends respectively fixedly fastened to the waistband and the crotch”</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status. Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

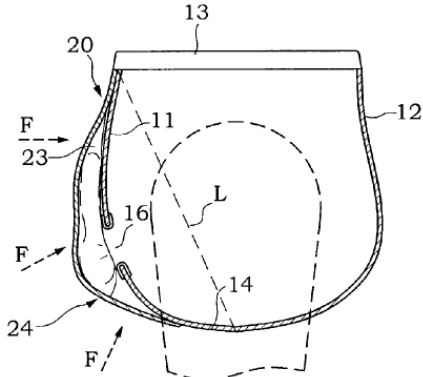
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>received in the penis receiving space 23. When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40.”</p> <p>“The men's undergarment as claimed in claim 1, wherein said cover panel has an upper part, which defines with said undergarment body said penis receiving space, and two smoothly arched side flaps symmetrically bilaterally formed integral with a lower part thereof and defining with said undergarment body said scrotum receiving space.” (Claim 4)</p> <p>“The men's undergarment as claimed in claim 5, wherein the outer portion of each of said arched side flap is respectively stitched to said undergarment body, forming a respective stitched line.” (Claim 6)</p>  <p style="text-align: center;">Fig.5</p> |

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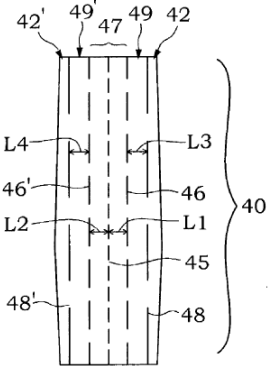
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="611 906 684 938">Fig.6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="518 282 924 649"> </div> <p data-bbox="688 716 789 751">Fig. 11</p> <p data-bbox="518 808 1890 878">The '218 Publication discloses an the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See, e.g.,</i></p> <p data-bbox="518 919 1890 1060">“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23.”</p> <p data-bbox="518 1101 1890 1206">“[0026] . . . Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p data-bbox="518 1247 1890 1317">“[0027] . . . Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art**

“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened.”

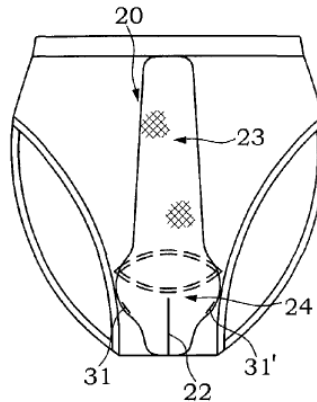
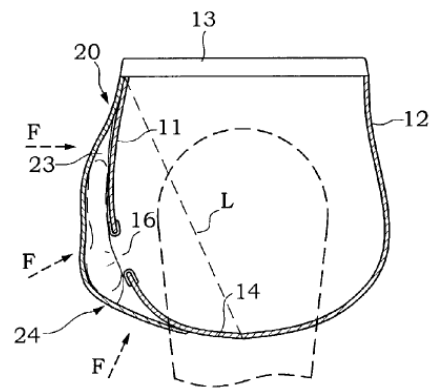
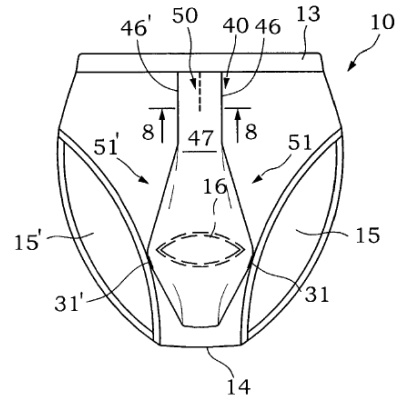
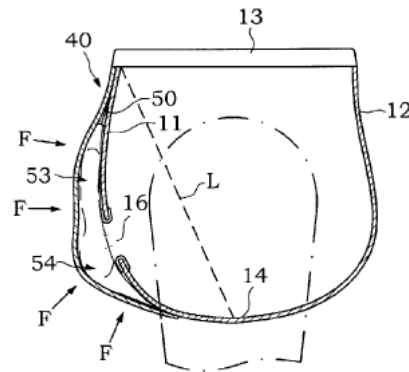
**Fig.3****Fig.5**

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a stretch panel attached to the body inside the front portion having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

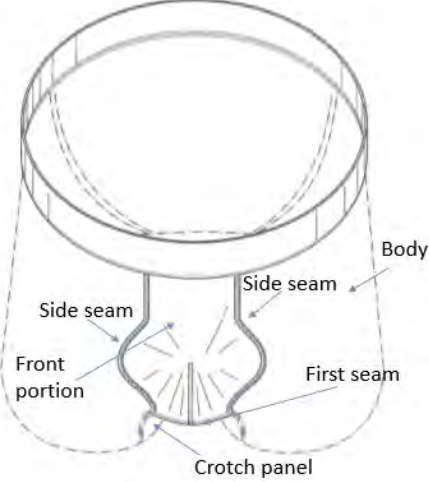
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The '058 Design discloses a stretch panel attached to the body inside the front portion having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See e.g.</i>,</p>  <p style="text-align: center;">FIG. 1</p> |

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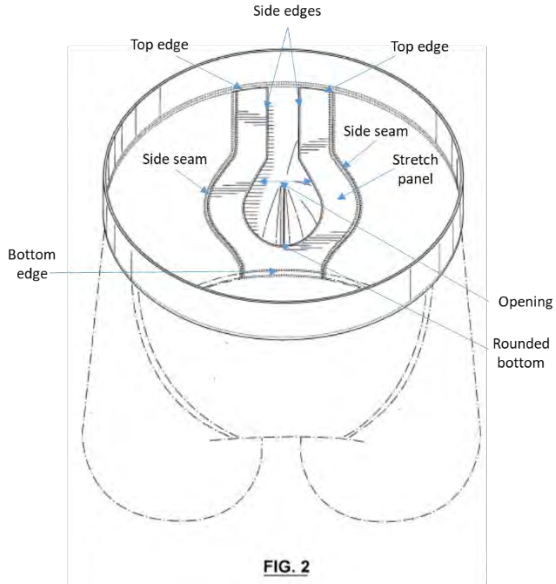
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="520 899 1726 935">WO 01/37687 discloses a stretch panel attached to the body inside the front portion. <i>See, e.g.,</i></p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

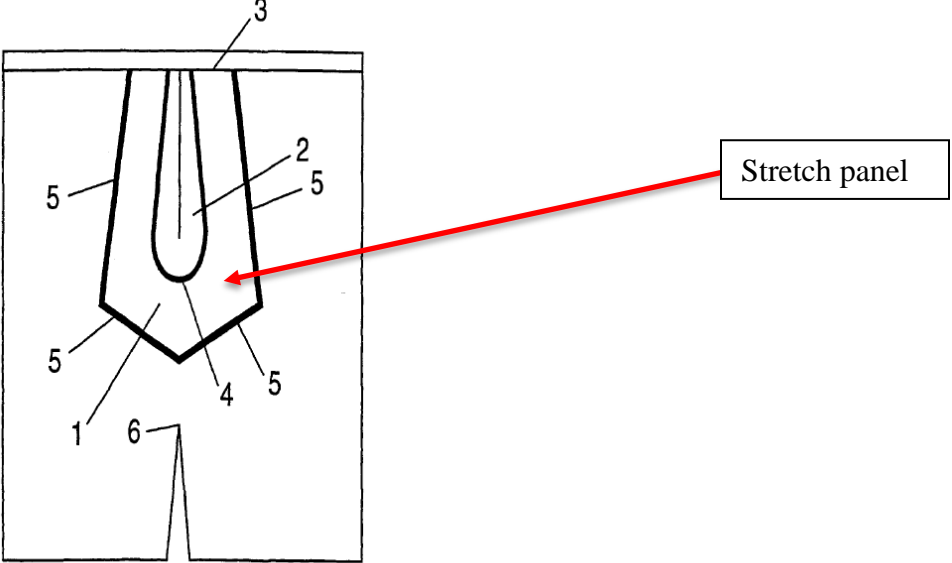
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>“The invention relates to a hygienic elastic garment for men’s underwear, which forms part and is sewn to classic underpants.” Abstract.</p> <p>“the garment is sewn to the inner front part of the underpants” Abstract.</p> <p>WO 01/37687 discloses a stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals. <i>See, e.g.,</i></p> <p>“elastic garment.” Abstract.</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

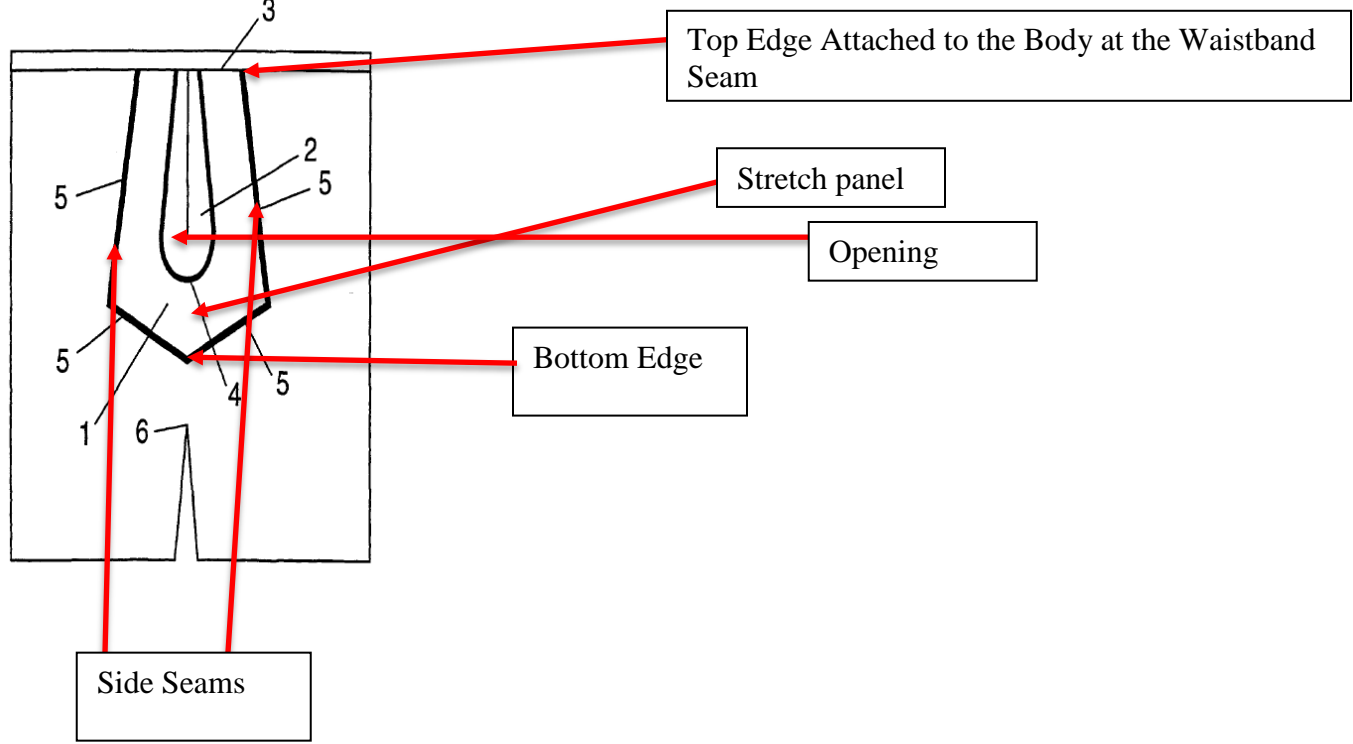
| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| |  <p>The diagram shows a front view of a garment, likely a pair of pants or shorts, with a central crotch area. A stretch panel is indicated by a red arrow pointing to the central opening. The top edge of the panel is labeled 'Top Edge Attached to the Body at the Waistband Seam'. The bottom edge is labeled 'Bottom Edge'. The side edges are labeled 'Side Seams'. The panel is labeled 'Stretch panel' and the opening is labeled 'Opening'. The diagram also includes numbered labels: 1, 2, 3, 4, 5, and 6. Red arrows point from the text labels to the corresponding parts of the diagram.</p> |
| <p>[1.4] the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, the stretch panel having a length when unstretched smaller than a</p> | <p>The '218 Publication discloses a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. <i>See, e.g.,</i></p> <p>"[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14."</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn.</p> | <p>“[0022] When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status.”</p> <p>“[0023] The top and bottom ends of the well-folded cover panel 40 are then respectively stitched to the waistband 13 and crotch 14 of the undergarment body 10.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] . . . When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40. Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> |

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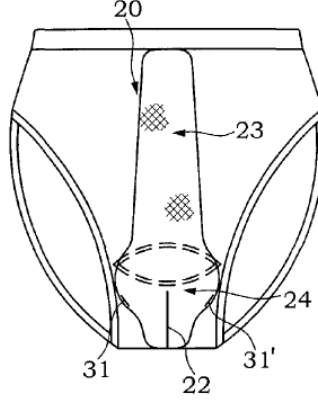
| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p data-bbox="525 280 1896 495">“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened. The length of the stitched line 50 is determined subject to the size and style of the undergarment. Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p>  <p data-bbox="667 954 760 993">Fig.3</p> |

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| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|-----------------------------------|
| | <p>Fig.5</p> |

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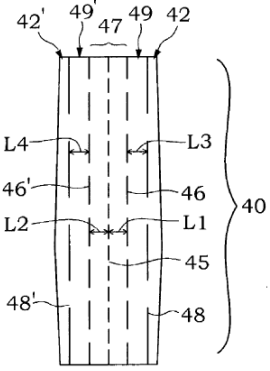
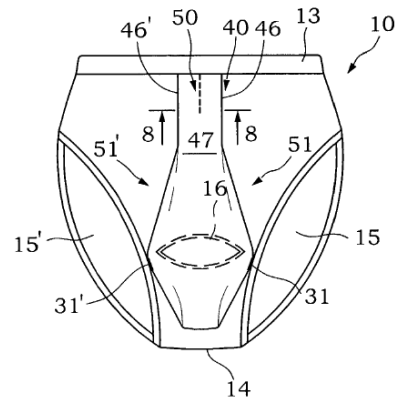
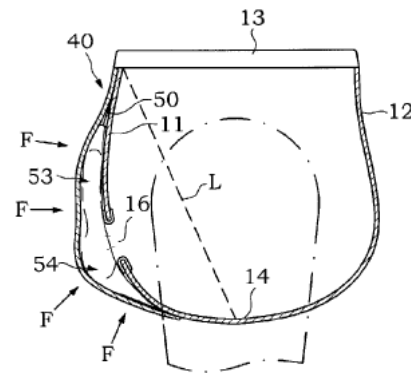
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="606 906 684 938">Fig.6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

The '218 Publication discloses a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams. *See, e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] . . . When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40. Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> |

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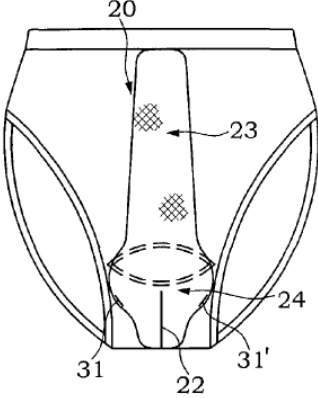
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p data-bbox="527 318 1885 532">“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened. The length of the stitched line 50 is determined subject to the size and style of the undergarment. Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p>  <p data-bbox="674 992 758 1032">Fig.3</p> |

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| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|-----------------------------------|
| | <p>Fig.5</p> |

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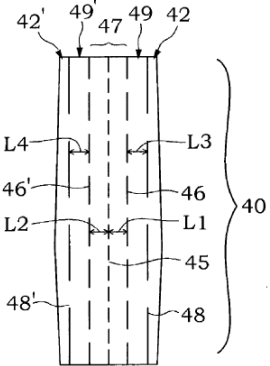
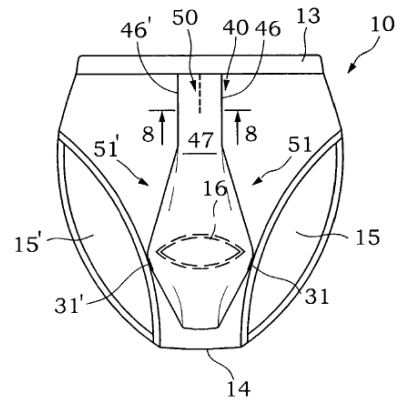
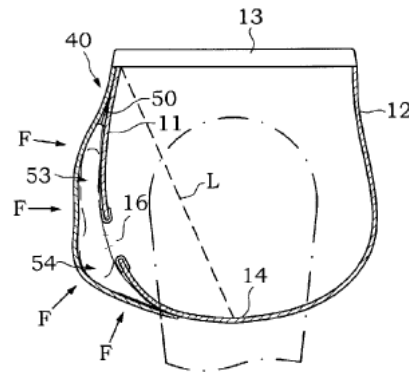
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="606 906 684 938">Fig. 6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

The front portion of The '218 Publication defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer's genitals. *See, e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] . . . When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40. Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> |

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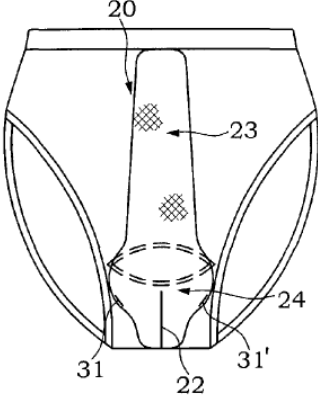
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p data-bbox="525 280 1896 495">“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened. The length of the stitched line 50 is determined subject to the size and style of the undergarment. Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p>  <p data-bbox="674 954 758 995">Fig.3</p> |

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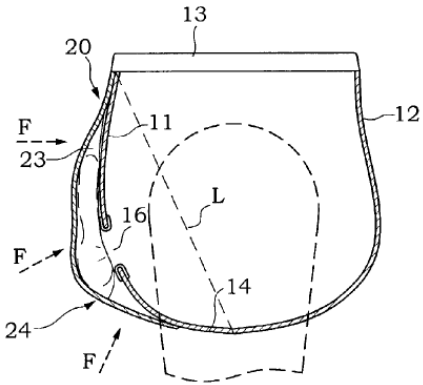
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="701 708 785 743">Fig. 5</p> |

Exhibit D-1

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

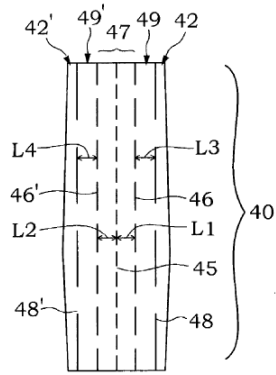
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div><p>Fig. 6</p></div> |

Exhibit D-1

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

[illegible]

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The '058 Design discloses a front portion that defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn. <i>See e.g.,</i></p> <div data-bbox="535 730 1155 1193"> <p>The diagram shows a perspective view of the front of a garment. A horizontal elastic band is at the top. Below it, the front panel is gathered. A label 'Front portion' points to the gathered area. A label '3D pouch' points to the space between the gathered front panel and the side seam, which forms a three-dimensional pocket. The garment has side seams and a curved bottom hem.</p> </div> <p>FIG. 3</p> <p>Alternatively, one of ordinary skill in the art would understand how to make a garment wherein the front portion is gathered from side-to-side and top-to-bottom by the stretch panel, wherein the stretch panel has a length when unstretched smaller than a length measured along the front portion between the top and</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| | <p>bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams. For example, EP O 476 818 teaches a method of gathering from side-to-side and top-to-bottom by an elastic fabric. <i>See, e.g.,</i></p> <p>“The garment now has a waist opening 31 and in accordance with the present invention, an elasticated band 32 is secured in face to face contact to a marginal portion 33 of the garment surrounding the waist opening 31. The band 32 is secured to the garment whilst in a tensioned condition (i.e. stretched condition) so that on relaxation, the fabric of the marginal portion 33 is ruched thereby enabling the band to stretch when the garment is being worn.” (4:4-12)</p> <p>“The operative inserts the garment over the band, drops the presser foot 56, sews a pre-set number of stitches, typically two or three, after which the roller 59 drops automatically, and the metering device 62 automatically reverses to apply the pre-programmed tension to the band so that the ruched effect can be achieved.” (6:47-53)</p> |
| Claim 2 | Exemplary Disclosure in Prior Art |
| <p>[2] A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See, e.g.,</i></p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> |

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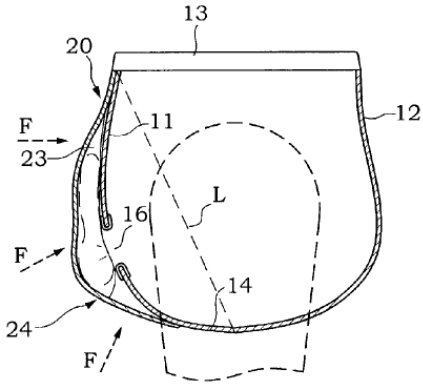
| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="701 708 785 743">Fig.5</p> |

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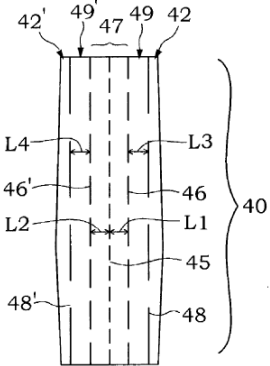
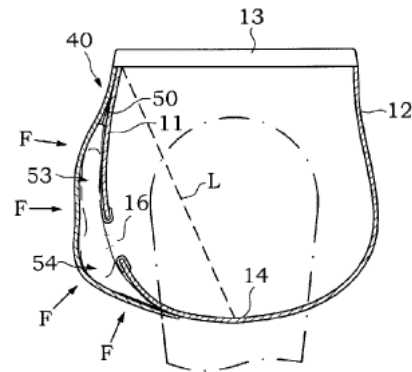
| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="611 906 688 938">Fig.6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 2**Exemplary Disclosure in Prior Art****Fig. 11**

To the extent Plaintiffs contend the '218 Publication, alone or in combination with the '058 Design, does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.

The '369 Patent discloses asymmetrical stretch characteristics of a fabric such that it stretches more easily in one direction and less easily in a direction at right angles to the first direction. *See, e.g.,*

“With reference to FIG. 3, the warp knit is generally known in the art for having strands 26 running substantially parallel along a direction 27 of the fabric. Lateral threads 28 running substantially perpendicular to the strands 26 and in a direction 29 encircle sets of two strands 26 at once. Each adjacent lateral thread 28 encircles one of the two strands 26 in the first set and one of the two strands 26 from the second set. This pattern is repeated throughout. The warp knit, by virtue of having parallel strands 26 along the direction 27 of the fabric, is resistant to stretch in the direction 27 when compared to other knitted

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

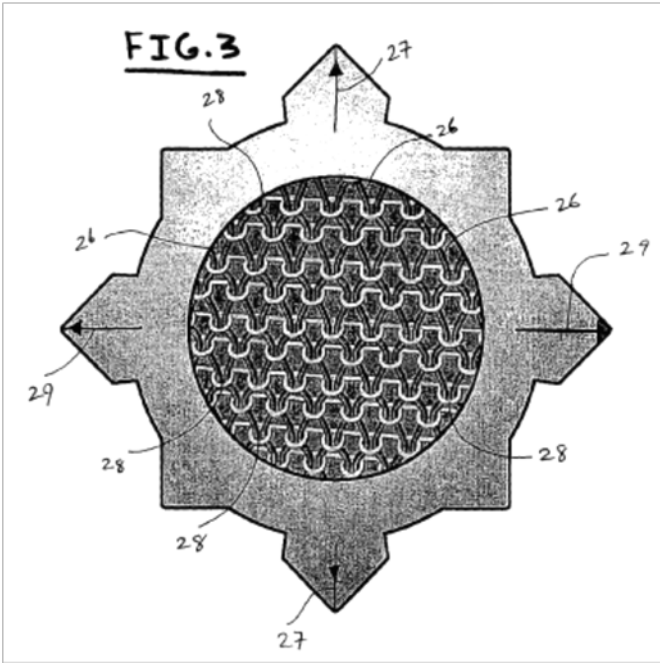
| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>fabrics, which may undesirably stretch. Thus, the warp knit fabric stretches less along the direction 27 than along the direction 29.” (2:40-52)</p> <p>“The warp knit fabric used to form the groin portion 14 can stretch a relatively greater amount in the horizontal direction, roughly parallel to the waistband, than in the vertical direction. The ability to stretch in the horizontal direction allows for the accommodation of different sizes and shapes of male genitals. The groin portion stretches in the horizontal direction to accommodate the genitals of the supporter user while maintaining slight pressure on the genitals in the horizontal direction, thus aiding the cupping and compression functions of the supporter 10.” (3:1-10)</p>  |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 2 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>The '874 Publication discloses a stretch panel [rear panel 114] that has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See e.g.</i>, [0022 and 0024].</p> <p>[0022] "In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable."</p> <p>[0024] "The rear panel 114 is also comprised of the fabric 108."</p> |

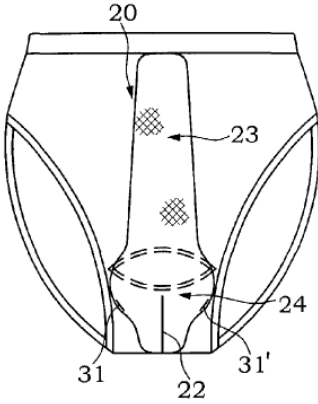
| Claim 3 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[3] A garment according to claim 1 wherein the stretch panel is rectangular and the opening is U-shaped.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a garment wherein the stretch panel has a rectangular shape. <i>See, e.g.</i>,</p>  <p style="text-align: center;">Fig.3</p> |

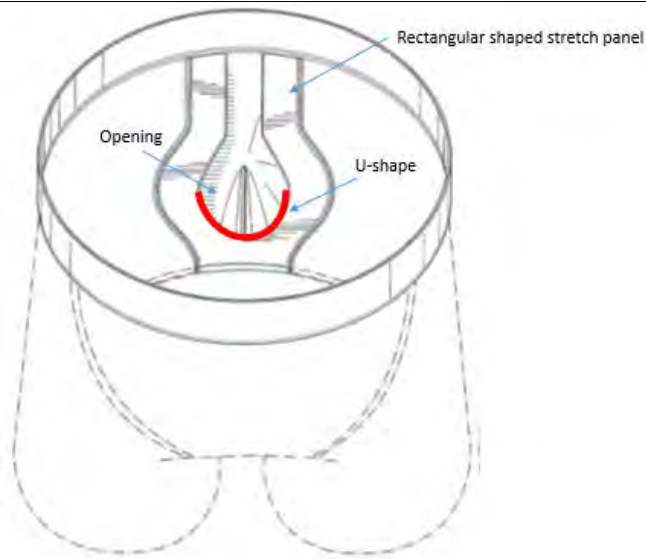
Exhibit D-1**Invalidity of U.S. Patent No. 10,034,496****Page 54 of 82**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 3 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="546 292 966 673"> </div> <p data-bbox="703 706 787 738">Fig.5</p> <p data-bbox="525 868 1890 1047">To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a rectangular stretch panel, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p data-bbox="525 1088 1890 1161">The '058 Design discloses a garment wherein the stretch panel has a rectangular shape and the opening is U-shaped. <i>See e.g.</i>,</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 3**Exemplary Disclosure in Prior Art****FIG. 2**

The '874 Publication discloses a stretch panel [rear panel 114] that has a rectangular shape. *See e.g.,*

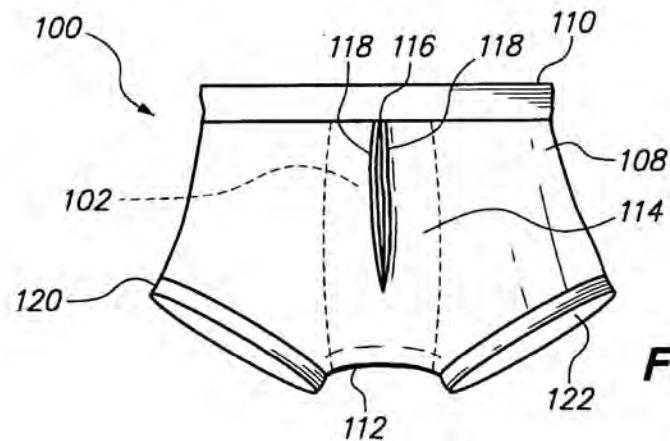
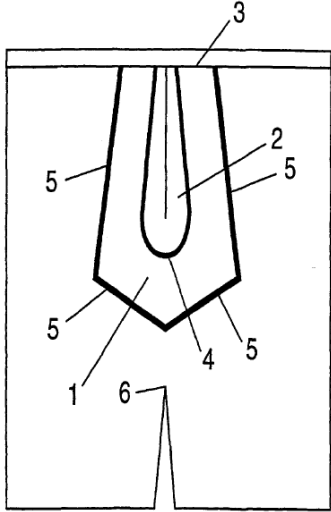
**FIG. 2**

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 3 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>WO 01/37687 discloses a garment wherein the stretch panel has a rectangular shape and the opening is U-shaped. <i>See, e.g.,</i></p>  <p>The diagram shows a cross-section of a garment with a U-shaped opening. A horizontal line at the top is labeled 3. The inner vertical edges of the opening are labeled 2. The side walls of the opening are labeled 5. The bottom of the opening is labeled 4. A vertical line extending downwards from the bottom of the opening is labeled 1. A horizontal line at the bottom of the opening is labeled 6.</p> <p>“It has a tear-shaped vertical opening.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> |

| Claim 4 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[4] A garment according to claim 3 wherein the stretch panel comprises a fabric having a stretch of at least 30%.</p> | <p>See above regarding claim 3.</p> <p>The '218 Publication discloses a stretch panel comprising a fabric having a stretch of at least 30%. <i>See, e.g.,</i></p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 4 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>To the extent Plaintiffs contend the '218 Publication, alone or in combination with the '058 Design, does not expressly, implicitly, or inherently disclose the stretch panel comprising a fabric having a stretch of at least 30%, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The '571 Patent discloses the stretch panel comprising a fabric having a stretch of at least 30%. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> |

| Claim 5 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[5] A garment according to claim 1 wherein the top location is the waistband seam and the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a garment where the top location is the waistband seam and the bottom location is the first seam. <i>See, e.g.,</i></p> <p>“[T]he cover panel having top and bottom ends . . . fixedly fastened to waistband” (Abstract)</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

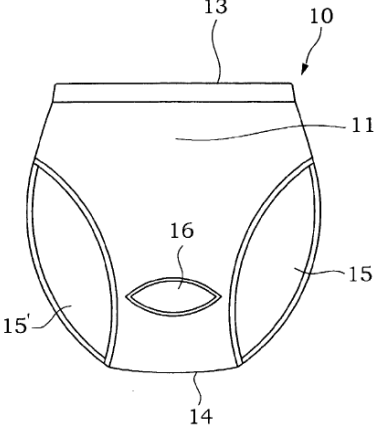
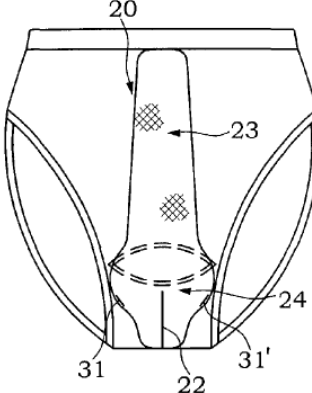
| Claim 5 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>the stretch panel, when unstretched, by at least 30%.</p> | <p>“[0023] . . . The top and bottom ends of the well-folded cover panel 40 are then respectively stitched to the waistband 13 and crotch 14 of the undergarment body 10.”</p>  <p>Fig.1</p>  <p>Fig.3</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

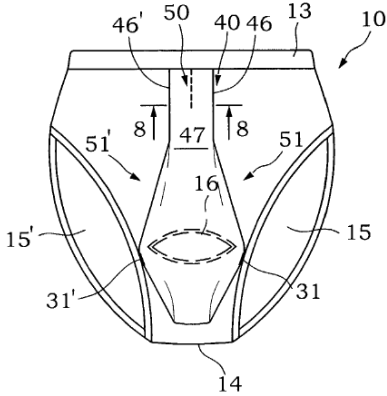
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="709 732 789 764">Fig. 7</p> <p data-bbox="522 824 1875 930">The '218 Publication discloses the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%. <i>See, e.g.,</i></p> |

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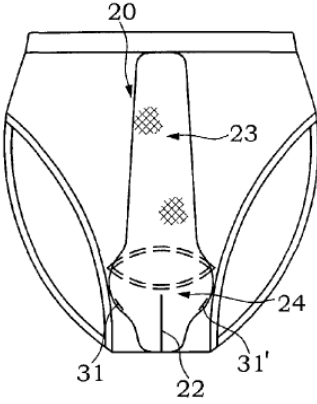
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="674 735 762 776">Fig.3</p> |

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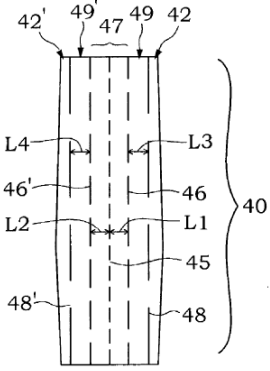
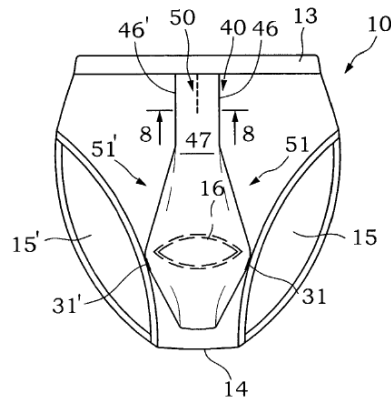
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="611 906 688 938">Fig. 6</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 5**Exemplary Disclosure in Prior Art****Fig.7**

To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a garment where the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.

The '058 Design is a garment where the top location is the waistband seam and the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%. *See e.g.,*

Exhibit D-1**Invalidity of U.S. Patent No. 10,034,496****Page 63 of 82****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art**

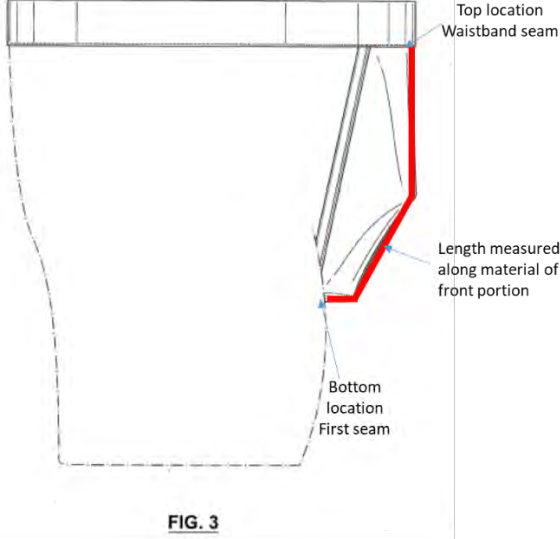
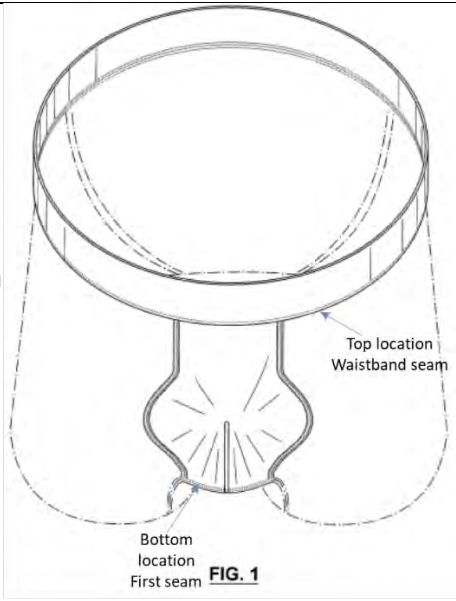
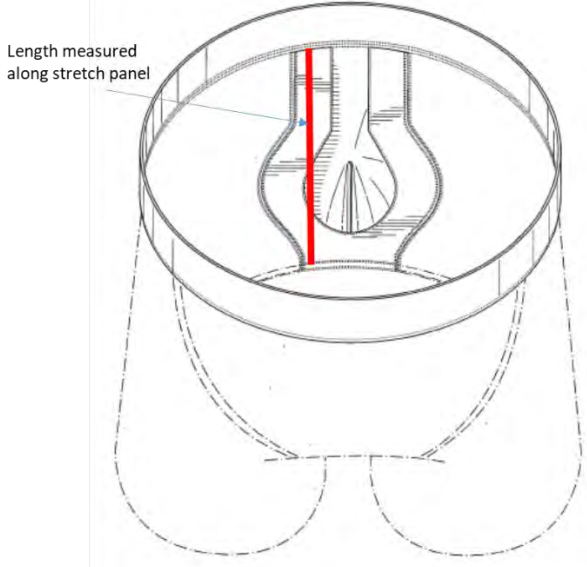
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="541 305 1096 841"><p data-bbox="709 816 760 841">FIG. 3</p></div> <div data-bbox="1096 272 1549 873"><p data-bbox="1306 833 1356 857">FIG. 1</p></div> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|----------------|---|
| |  <p data-bbox="856 873 911 894">FIG. 2</p> |

| Claim 6 | Exemplary Disclosure in Prior Art |
|--|---|
| <p data-bbox="121 1062 491 1166">[6] A garment according to claim 1 wherein the garment is a pair of undershorts.</p> | <p data-bbox="527 1062 898 1089">See above regarding claim 1.</p> <p data-bbox="527 1133 1325 1166">The '218 Publication discloses a pair of undershorts. <i>See, e.g.,</i></p> <p data-bbox="527 1208 982 1235">“A men's undergarment” (Abstract)</p> <p data-bbox="527 1243 1010 1271">“MEN'S UNDERGARMENT” (Title)</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 6**Exemplary Disclosure in Prior Art**

“[0002] The present invention provides an undergarment for men and, more particularly, to such a men's undergarment that is good for the health of the user's genitals.”

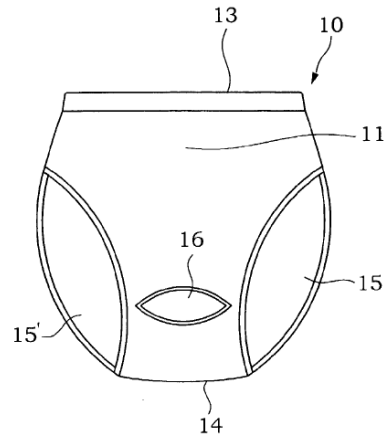
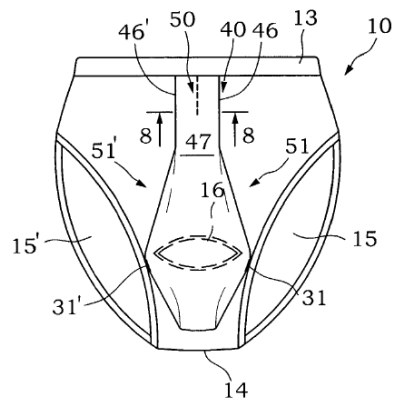
**Fig. 1****Fig. 7**

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

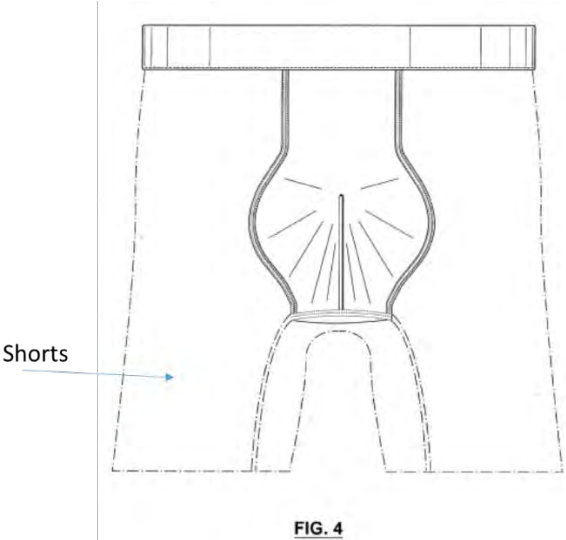
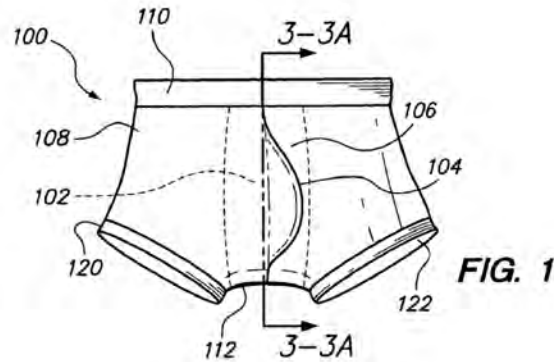
| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a pair of undershorts, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The '058 Design is a pair of undershorts. <i>See e.g.</i>,</p> <p>“Men's Undergarment” (Title)</p>  <p style="text-align: center;">FIG. 4</p> <p>The '874 Publication discloses a garment that is a pair of undershorts [boxer-brief type underwear 100]. <i>See e.g.</i>, FIG. 1.</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 6**Exemplary Disclosure in Prior Art**

WO 01/37687 discloses a pair of undershorts. *See, e.g.,*

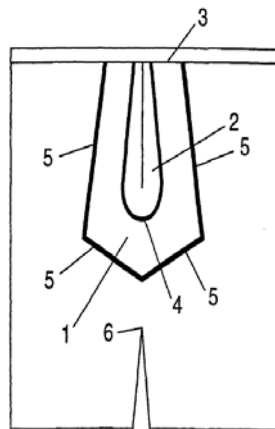


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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 7 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>[7] A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p>“[0030] 1. The cover panel 20 or 40 can be made of ventilating or meshed elastic cloth material different from the undergarment body 10, achieving a satisfactory ventilation effect.”</p> <p>To the extent Plaintiffs contend the '218 Publication, alone or in combination with the '058 Design, does not expressly, implicitly, or inherently disclose a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The '571 Patent discloses the stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™. Pouch 18 may be of a material containing 82% polyester and 18% Spandex™. In one embodiment, the balance of brief 10 is of the same material, however in an alternative embodiment, the balance of brief 10 is made of a 92% cotton, 8% Spandex™ fabric.” (4:25-33)</p> |

| Claim 8 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[8] A garment according to claim 1 wherein the opening has a width in excess of 2 cm.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses an opening with a width in excess of 2 cm. <i>See, e.g.,</i></p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

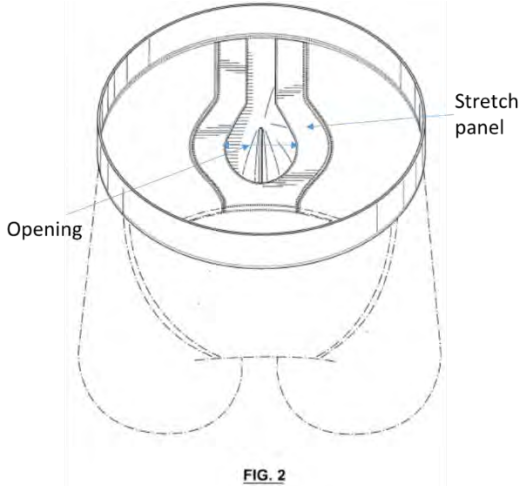
| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“[0009] . . . The cover panel defines with the front panel a penis receiving space above the opening of the front panel, and a scrotum receiving space below the opening of the front panel.”</p> <p>“[0021] . . . The front panel 11 has an opening 16 corresponding to the genitals.”</p> <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23.”</p> <p>“[00028] Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p> <p>Furthermore, the '058 Design discloses this limitation. <i>See, e.g.,</i></p>  <p style="text-align: center;">FIG. 2</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[9] A garment according to claim 1 wherein: the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p> <p>“[0009] . . . The cover panel defines with the front panel a penis receiving space above the opening of the front panel, and a scrotum receiving space below the opening of the front panel.”</p> <p>“[0013] FIG. 4 is a schematic front view of the first embodiment of the present invention, showing the genitals received in the penis receiving space and the scrotum receiving space.”</p> <p>“[0021] . . . When installed, the cover panel defines with the front panel 11 of the undergarment body 10 a penis receiving space and the crotch 14 a scrotum receiving space.”</p> <p>“[0022] . . . When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum.”</p> <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23. When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

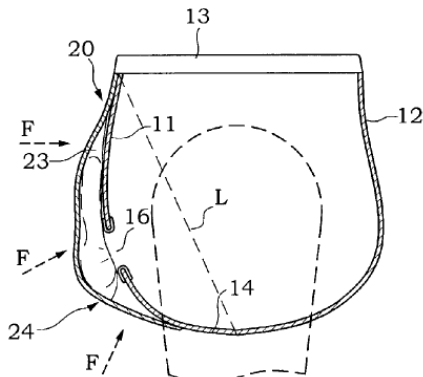
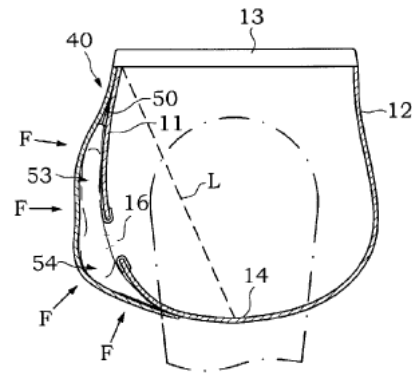
| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“[0026] Referring to FIGS. 9-11, when the undergarment of the second embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the penis extended upwards and received in the tubular penis receiving space 53 defined between the front panel 11 of the undergarment body 10 and the front cover portion 47 and side cover portions 49 and 49' of the cover panel 40, and the scrotum received in the bag-like scrotum receiving space 54 defined between the front panel 11 of the undergarment body 10 and the cover panel 40 below the opening 16.”</p>  <p style="text-align: center;">Fig.5</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 9**Exemplary Disclosure in Prior Art****Fig. 11**

Furthermore, the '058 Design discloses this limitation. *See, e.g.,*

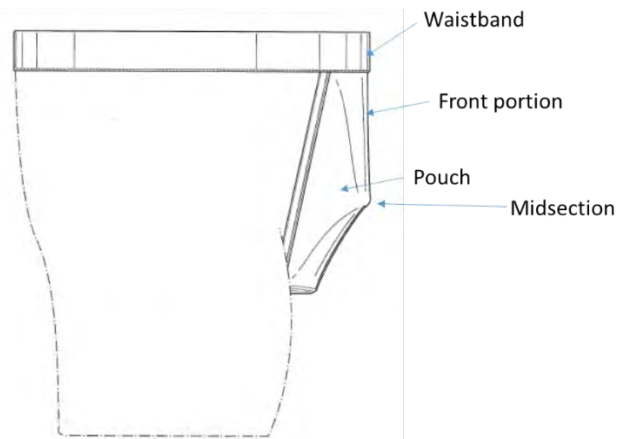
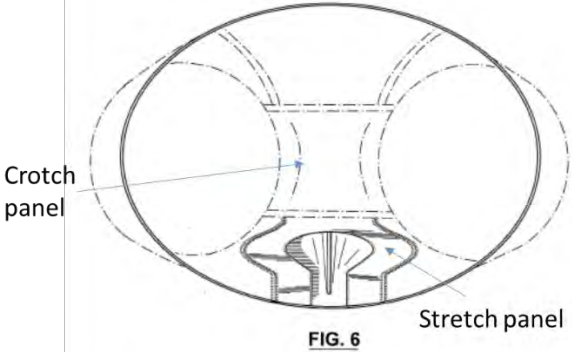
**FIG. 3**

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p style="text-align: center;">FIG. 6</p> |

| Claim 10 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> |

| Claim 13 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>[13] A garment according to claim 1 wherein the opening has a U-shape when the</p> | <p>See above regarding claim 1.</p> <p>One of ordinary skill in the art would, based on one's knowledge and the disclosure in the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation.</p> |

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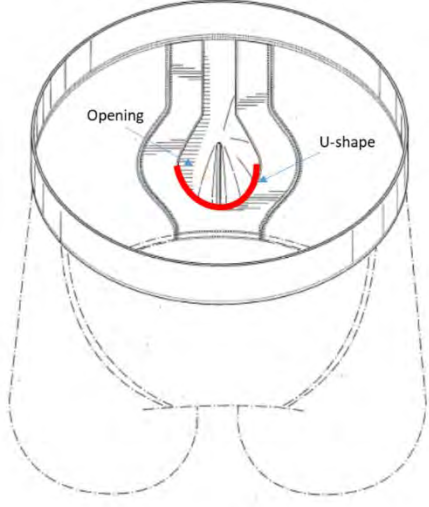
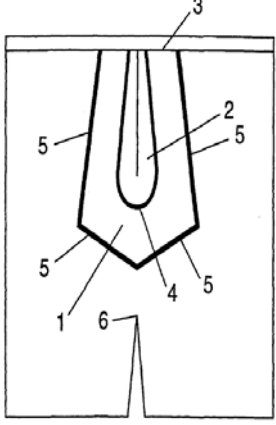
| Claim 13 | Exemplary Disclosure in Prior Art |
|--------------------------------------|---|
| stretch panel is in a relaxed state. | <p>Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The '058 Design discloses a stretch panel with an opening that has a U-shape when the stretch panel is in a relaxed state. <i>See e.g.</i>,</p>  <p style="text-align: center;">FIG. 2</p> <p>WO 01/37687 discloses an opening with a U-shape when the stretch panel is in a relaxed state.</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 13 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p>“It has a tear-shaped vertical opening .” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> |

| Claim 14 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[14] A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a stretch panel formed from a single unitary piece of woven fabric. <i>See, e.g.,</i></p> <p>“[0022] . . . As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end.”</p> <p>“The men's undergarment as claimed in claim 1, wherein said cover panel is made of a piece of elastic ventilating cloth.” (Claim 2)</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 14**Exemplary Disclosure in Prior Art**

“The men's undergarment as claimed in claim 1, wherein said cover panel is made of meshed piece of elastic cloth.” (Claim 3)

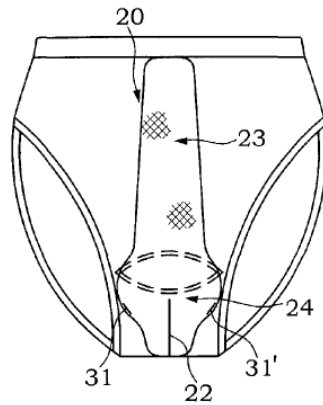
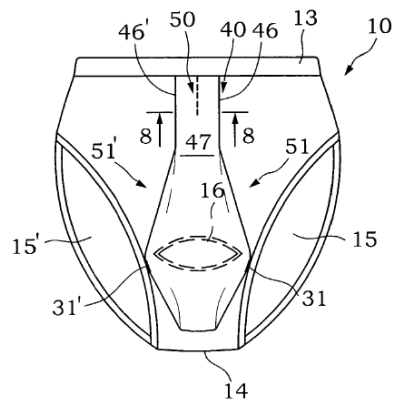
**Fig.3****Fig.7**

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

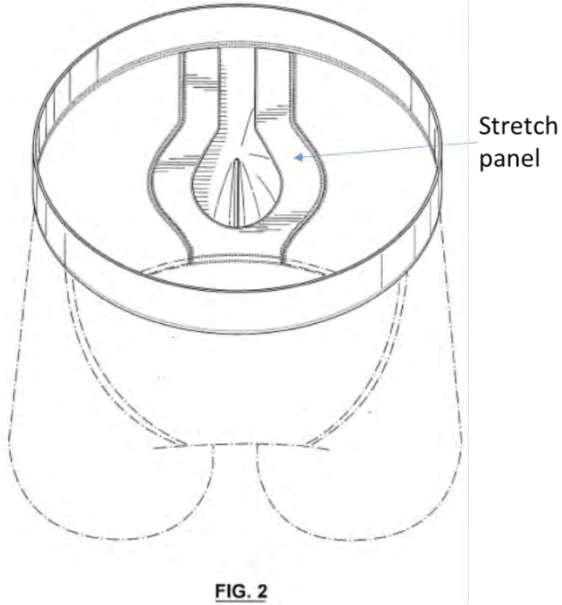
| Claim 14 | Exemplary Disclosure in Prior Art |
|----------|---|
| | <p>To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The '058 Design discloses a stretch panel formed from a single unitary piece of fabric. <i>See e.g.,</i></p>  <p>FIG. 2</p> <p>The '874 Publication discloses a stretch panel [rear panel 114] formed from a single unitary piece of woven fabric [fabric 108]. <i>See e.g.,</i></p> |

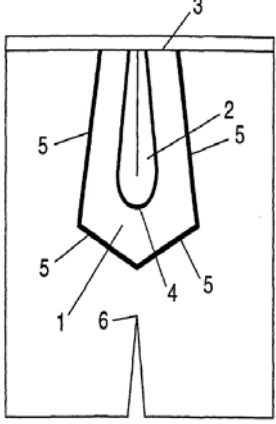
Exhibit D-1**Invalidity of U.S. Patent No. 10,034,496****Page 78 of 82**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 14 | Exemplary Disclosure in Prior Art |
|----------|---|
| | <div data-bbox="537 293 1163 646"> <p>FIG. 2</p> </div> <p>[0022] “In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable.”</p> <p>[0024] “The rear panel 114 is also comprised of the fabric 108.”</p> <p>WO 01/37687 discloses a stretch panel formed from a single unitary piece of woven fabric. <i>See, e.g.</i>, “The invention relates to a hygienic elastic garment for men's underwear.” Abstract.</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 14 | Exemplary Disclosure in Prior Art |
|----------|---|
| |  |

| Claim 15 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[15] A garment according to claim 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p> <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. . . . Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment</p> |

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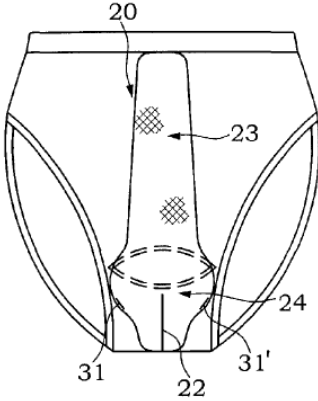
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|--|
| | <p data-bbox="527 280 1801 350">body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing."</p> <div data-bbox="541 399 856 797"></div> <p data-bbox="674 846 762 883">Fig.3</p> <p data-bbox="527 911 1350 948">Furthermore, the '058 Design discloses this limitation. <i>See, e.g.,</i></p> |

Exhibit D-1**Invalidity of U.S. Patent No. 10,034,496****Page 81 of 82****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art**

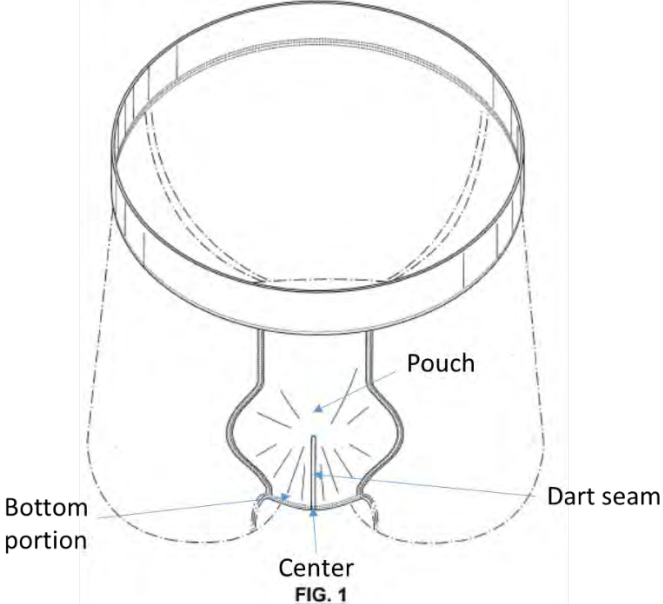
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|---|
| |  <p>FIG. 1 is a perspective view of a garment bottom portion. It features a central pouch and a bottom portion. The garment is shown with dashed lines indicating the dart seams. Labels include: Pouch, Bottom portion, Dart seam, and Center. The figure is labeled FIG. 1.</p> |

Exhibit D-1**Invalidity of U.S. Patent No. 10,034,496****Page 82 of 82****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art**

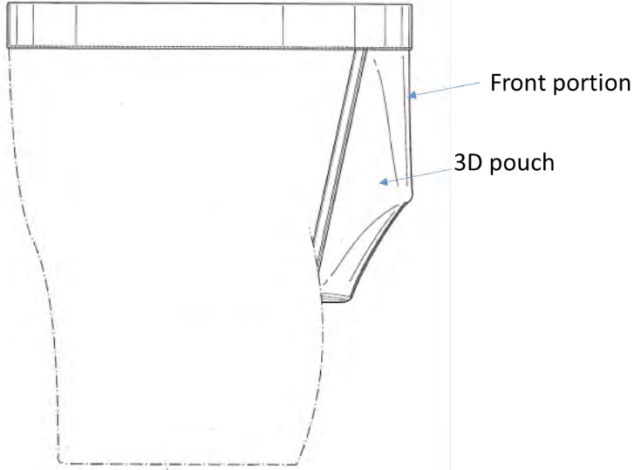
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|---|
| |  <p data-bbox="1024 370 1169 394">Front portion</p> <p data-bbox="989 451 1094 475">3D pouch</p> <p data-bbox="703 808 758 833">FIG. 3</p> <p>The diagram shows a perspective view of a garment, likely a pair of pants or shorts, with a large 3D pouch attached to the front. The pouch is shown in a folded or partially open state. The garment has a waistband with a series of vertical lines, possibly representing a belt or elastic. The pouch is labeled '3D pouch' and the front portion of the garment is labeled 'Front portion'.</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 1 of 77****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art**

Upon information and belief, the disclosure of U.S. Patent Publication No. 2004/0025218 (published Feb. 12, 2004) (“’218 Publication”) either expressly, implicitly, or inherently anticipates the asserted claims of U.S. Patent No. 9,687,030 under 35 U.S.C. § 102 and/or renders those claims obvious under 35 U.S.C. § 103 in view of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) (the “’058 Design”), and alternatively in further view of U.S. Patent Publication 2009/0106874 (published April 30, 2009) (“’874 Publication”), U.S. Patent 7,631,369 (issued Dec. 15, 2009; published as US 2007/0220660 on Sept. 27, 2007) (the “’369 Patent”), International Publication No. WO 98/39981 (published Sept. 17, 1998) (“WO 98/39981”), U.S. Publication No. 2007/0277285 (published Dec. 6, 2007) (the “’285 Publication”), European Patent Application No. EP 0 476 818 (published March 25, 1992) (“EP 0 476 818”), U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”), and/or WO 01/37687 A1 (published May 31, 2001) (“WO 01/37687”) as set forth in the chart below.

The following contentions are subject to revision and amendment pursuant to Federal Rule of Civil Procedure 26(e) and the Court Orders in this matter subject to further investigation and discovery regarding the references.

| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| [1.pre] 1. A male garment comprising: | The ’218 Publication discloses a male garment. <i>See, e.g.</i> , “A men's undergarment” (Abstract) “MEN'S UNDERGARMENT” (Title) |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

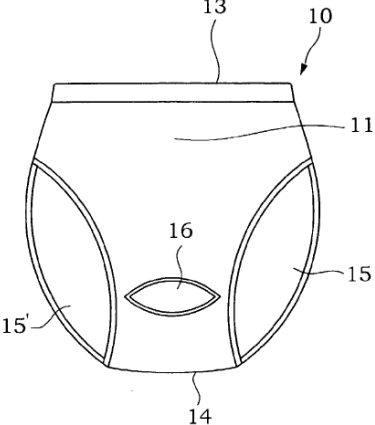
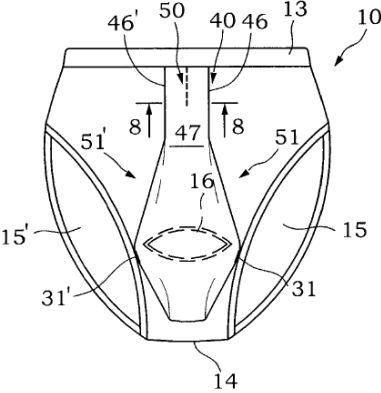
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“[0002] The present invention provides an undergarment for men and, more particularly, to such a men's undergarment that is good for the health of the user's genitals.”</p>  <p>Fig. 1</p>  <p>Fig. 7</p> <p>Furthermore, the '058 Design discloses this limitation. <i>See, e.g.,</i></p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 3 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

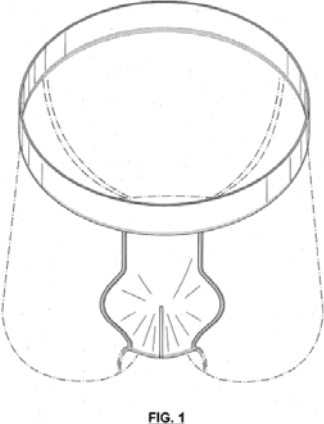
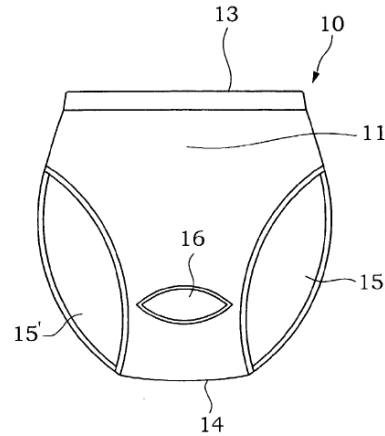
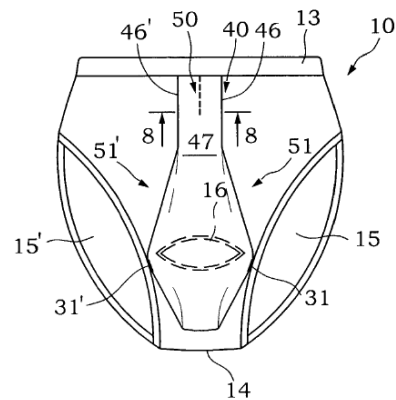
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| |  <p style="text-align: center;">FIG. 1</p> |
| <p>[1.1] a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;</p> | <p>The '218 Publication discloses a body including a front portion and having leg openings for a wearer's legs. <i>See, e.g.</i>,</p> <p>"A men's undergarment having an opening in the front panel of the undergarment body thereof and a cover panel fastened to the undergarment body" (Abstract")</p> <p>"[0009] . . . The under undergarment body comprises a front panel, a back panel, a waistband, and a crotch, and two leg holes."</p> <p>"[0021] Referring to FIG. 1, a men's undergarment in accordance with the present invention is shown comprised of an undergarment body 10 and a cover panel. The undergarment body 10 comprises a front panel 11, a back panel 12 (see FIG. 5), a waistband 13, and a crotch 14, defining two leg holes 15 and 15'."</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 4 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 1****Fig. 7**

The '218 Publication discloses a body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. *See, e.g.,*

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 5 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“[0015] FIG. 6 is an extended out view of the cover panel for the men's undergarment according to the second embodiment of the present invention.”</p> <p>“[0021] Referring to FIG. 1, a men's undergarment in accordance with the present invention is shown comprised of an undergarment body 10 and a cover panel. The undergarment body 10 comprises a front panel 11, a back panel 12 (see FIG. 5), a waistband 13, and a crotch 14, defining two leg holes 15 and 15'.”</p> <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. . . . Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

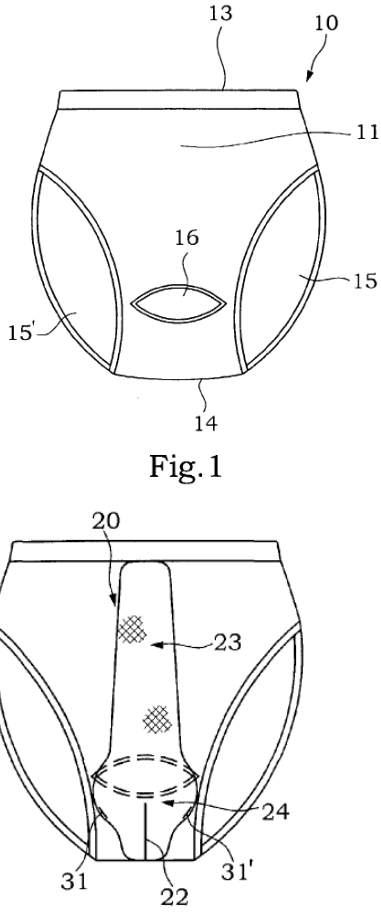
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>Fig. 1 is a front view of a pair of briefs. It features a waistband (10) at the top, a fly (16) in the center, and side pockets (15, 15'). The waistband is labeled 13, and the bottom hem is labeled 14.</p> <p>Fig. 3 is a front view of a pair of briefs, similar to Fig. 1 but with additional details. It shows a waistband (20) and a fly (22). The side pockets are labeled 31 and 31'. There are decorative elements (23) on the fly and a dashed line (24) indicating a seam or fold. The bottom hem is labeled 22.</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

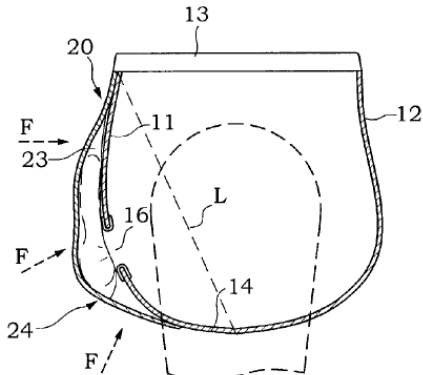
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="693 698 798 747">Fig.5</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 8 of 77****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art**

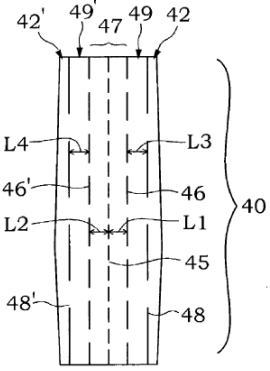
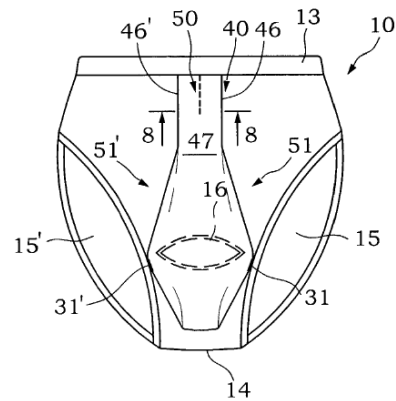
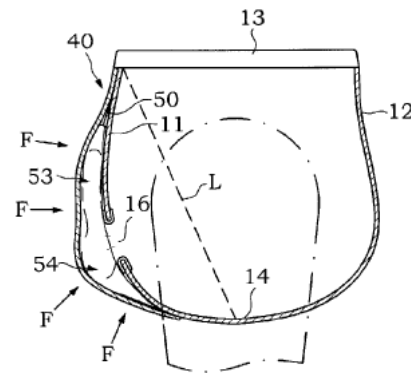
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="611 906 684 938">Fig. 6</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 9 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

Furthermore, the '058 Design discloses this limitation. *See, e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

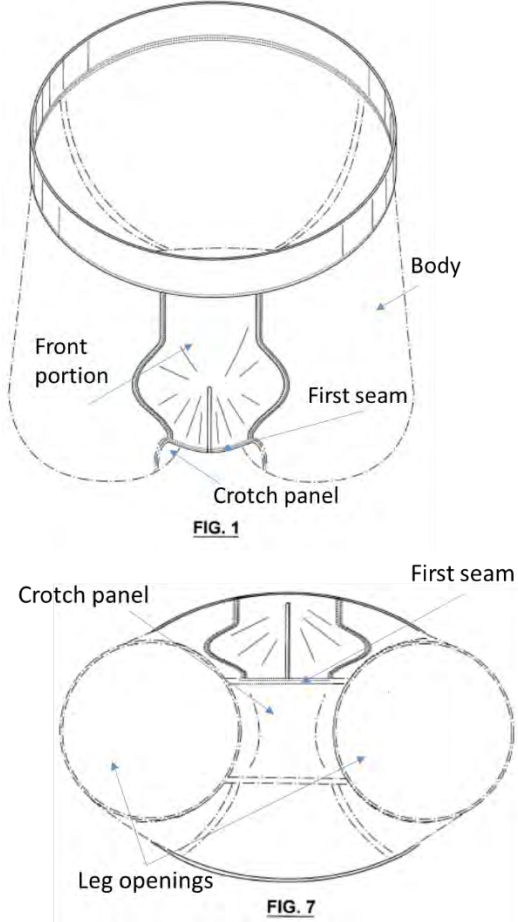
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>FIG. 1 is a perspective view of a garment (e.g., a pair of pants) showing a front portion, a crotch panel, and a first seam. The garment has a body and a waistband. The front portion is connected to the crotch panel along the first seam. The crotch panel is positioned between the leg openings.</p> <p>FIG. 7 is a perspective view of the garment from a different angle, showing the crotch panel, the first seam, and the leg openings. The crotch panel is positioned between the leg openings and is joined to the front portion along the first seam.</p> <p>Furthermore, the '369 Patent discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 11 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

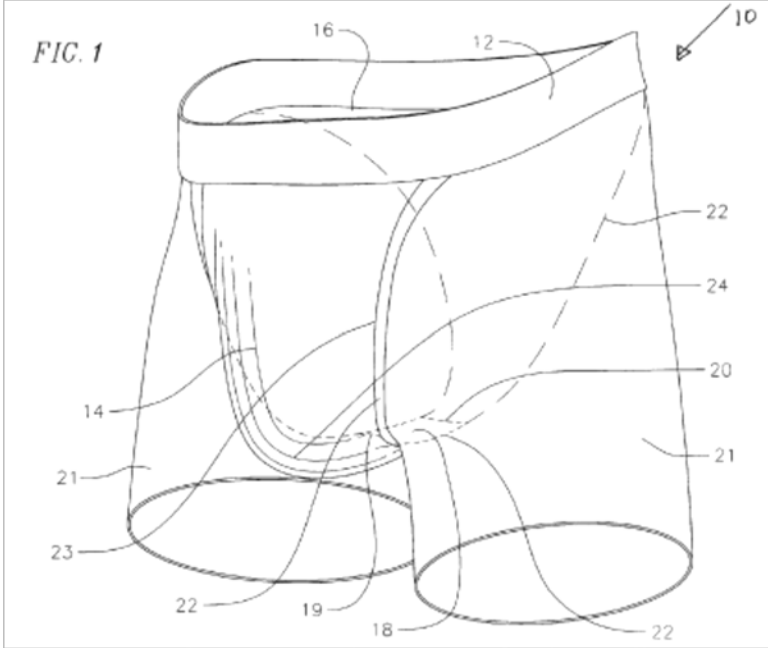
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“The stability anchor 18 connects the groin portion 14 to the back portion 16 by extending from the groin portion 14 to the back portion 16 while laterally following the contour of the inner thigh portions of the leg portions 20 and being connected to the leg portions 20.” (3:20-24)</p>  <p>Furthermore, WO 98/39981 discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 12 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

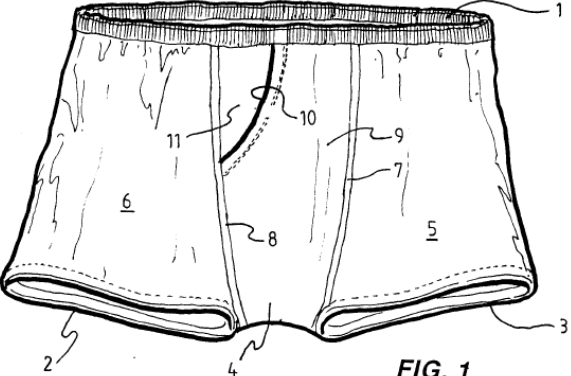
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“The style of the underpants providing an outer garment are conventional boxer shorts which is a style known and found to be very comfortable for normal usage. In accord with this embodiment there are full legs 2 and 3, and a joining panel 4 which is joined to leg panels 5 and 6 by seams 7 and 8. Seams 7 and 8 support a front panel 9 which is openable along the join at 10 and there is a back panel 11 behind this the joining edge of which is shown for instance in FIG 2 at 12 so that for normal purposes of relief, the penis can be manoeuvred between the several panels.” (3:22-4:4)</p>  <p>FIG. 1</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

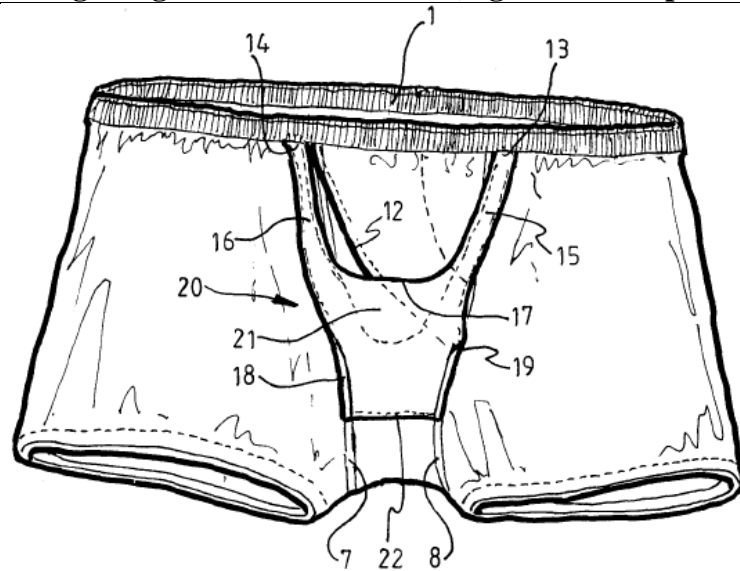
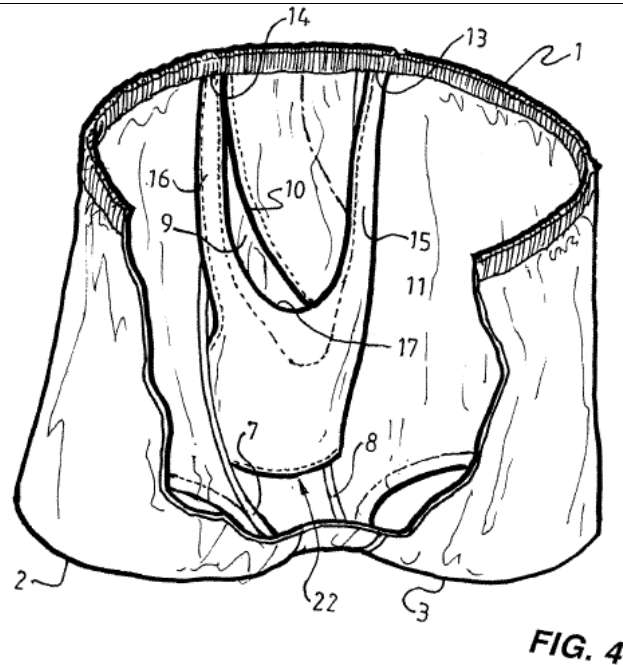


FIG. 2

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art**

Furthermore, the '285 Publication discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. *See, e.g.,*

"[0028] FIG. 7 shows is a frontal perspective view of a second, alternative embodiment of the multipurpose undergarment in accordance with the invention. In this embodiment, the undergarment shown generally at 70 again includes front leg portions 71 and 72 with corresponding leg openings 78a and 78b and includes a conventional front opening (fly) 73 secured by stitching to the front panel as shown at 75."

"[0029] Not unlike the embodiment depicted in FIG. 1, the top edge of the pouch as shown in FIG. 7 can be secured to the interior of the undergarment along the elastic waste band (shown generally at 79). The

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 15 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

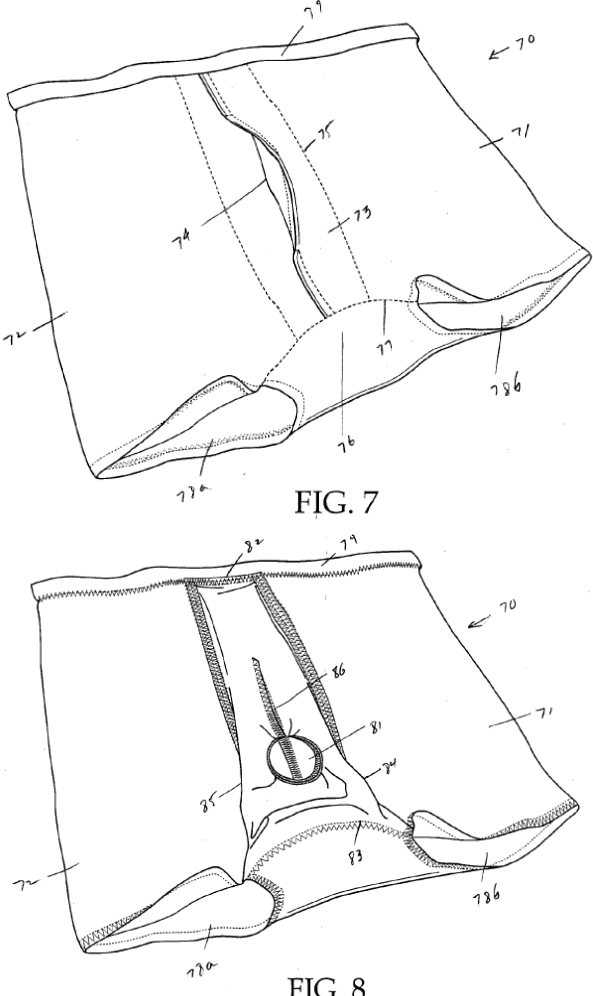
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>bottom edge can likewise be secured along the bottom portion 76 of the undergarment as shown along line 77.”</p>  <p>FIG. 7 is a perspective view of an undergarment 70, such as a pair of briefs, showing a front panel 71 and a back panel 72. A closure mechanism is shown along the center front edge, including a strap 74, a buckle 75, and a strap 76. A dashed line 77 indicates a line of attachment or stitching. A small detail 786 is shown at the bottom right corner.</p> <p>FIG. 8 is a perspective view of the same undergarment 70, showing a different closure mechanism. It includes a strap 82, a buckle 86, and a strap 84. A dashed line 83 indicates a line of attachment or stitching. A small detail 85 is shown at the bottom left corner. The bottom edge of the undergarment is labeled 76.</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

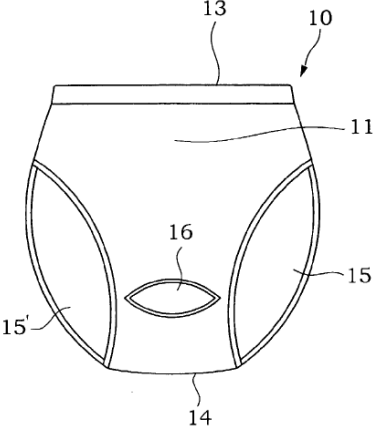
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| | <p>During prosecution of U.S. Pat. No. 9,687,030, the Applicant did not dispute that the '285 Publication meets this element. (See Amendment, July 8, 2014, pages 6-7.)</p> |
| <p>[1.2] a waistband attached by a waistband seam at an upper edge of the body;</p> | <p>The '218 Publication discloses a waistband attached by a waistband seam at an upper edge of the body. <i>See, e.g.,</i></p> <p>“[T]he cover panel having top and bottom ends . . . fixedly fastened to waistband” (Abstract)</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0023] . . . The top and bottom ends of the well-folded cover panel 40 are then respectively stitched to the waistband 13 and crotch 14 of the undergarment body 10.”</p>  <p>Fig. 1</p> |

Exhibit D-2

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="539 290 856 690"> </div> <div data-bbox="665 735 756 771"> <p>Fig.3</p> </div> <div data-bbox="548 812 938 1206"> </div> <div data-bbox="703 1253 793 1287"> <p>Fig.7</p> </div> <p data-bbox="520 1312 1354 1346">Furthermore, the '058 Design discloses this limitation. <i>See, e.g.,</i></p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 18 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

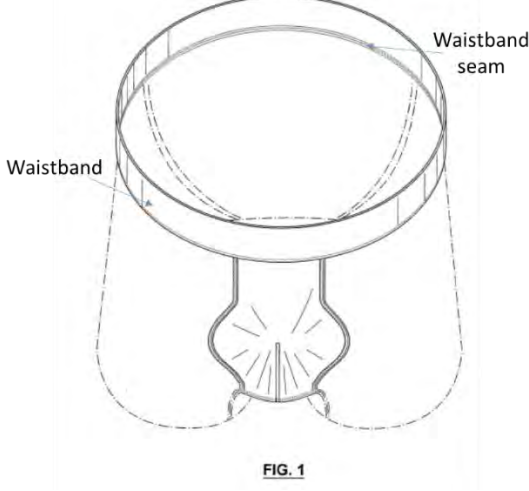
| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| |  |
| <p>[1.3] a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam and an opening for receiving a</p> | <p>The '218 Publication discloses a stretch panel attached to the body inside the front portion. <i>See, e.g.</i>,</p> <p>“[0009] The cover panel has top and bottom ends respectively fixedly fastened to the waistband and the crotch”</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

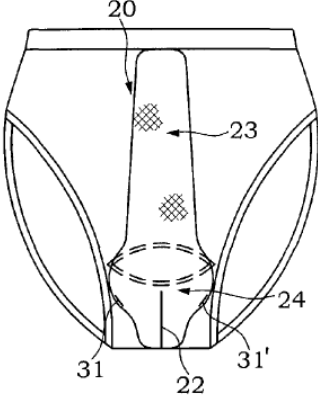
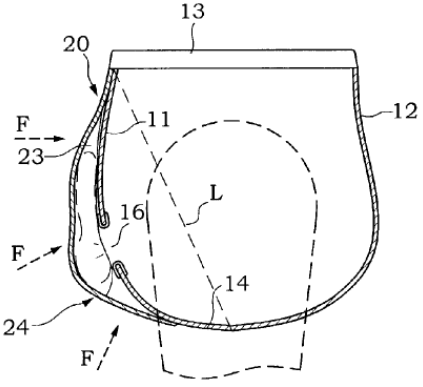
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;</p> | <p>forwards from the undergarment body 10, forming a three-dimensional status. Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing."</p>  <p>Fig.3</p>  <p>Fig.5</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 20 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

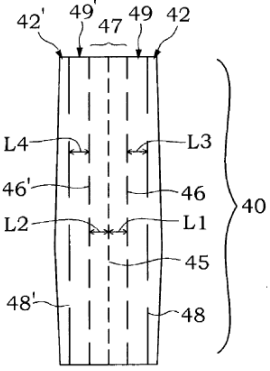
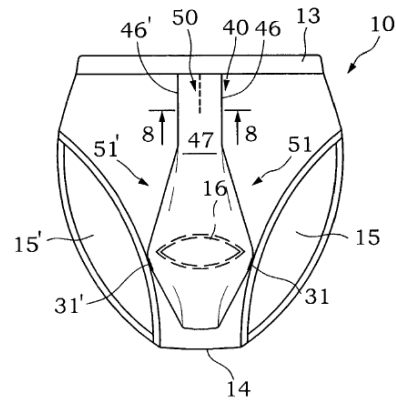
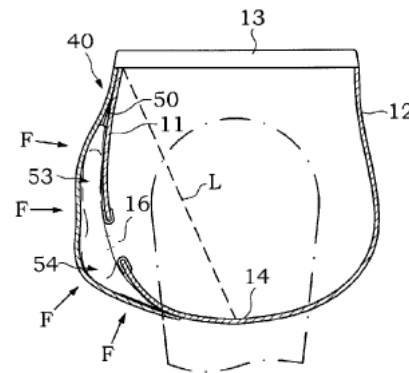
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="606 906 684 938">Fig. 6</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 21 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

The '218 Publication discloses a stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 22 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals. <i>See, e.g.,</i></p> <p>“[0009] The cover panel has top and bottom ends respectively fixedly fastened to the waistband and the crotch”</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status. Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 23 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

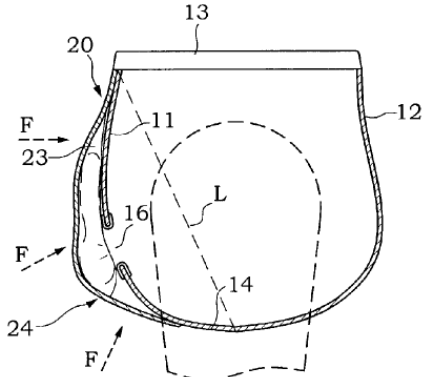
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>received in the penis receiving space 23. When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40.”</p> <p>“The men's undergarment as claimed in claim 1, wherein said cover panel has an upper part, which defines with said undergarment body said penis receiving space, and two smoothly arched side flaps symmetrically bilaterally formed integral with a lower part thereof and defining with said undergarment body said scrotum receiving space.” (Claim 4)</p> <p>“The men's undergarment as claimed in claim 5, wherein the outer portion of each of said arched side flap is respectively stitched to said undergarment body, forming a respective stitched line.” (Claim 6)</p>  <p style="text-align: center;">Fig. 5</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 24 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

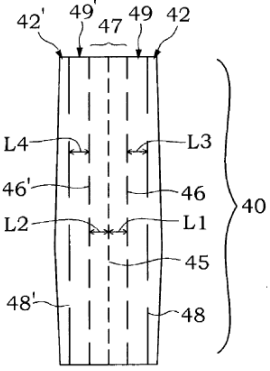
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="606 906 684 938">Fig. 6</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 25 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="520 280 924 649"> </div> <p data-bbox="688 716 789 751">Fig. 11</p> <p data-bbox="520 808 1885 878">The '218 Publication discloses an opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See, e.g.,</i></p> <p data-bbox="520 919 1885 1060">“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23.”</p> <p data-bbox="520 1101 1892 1206">“[0026] . . . Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p data-bbox="520 1247 1843 1317">“[0027] . . . Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

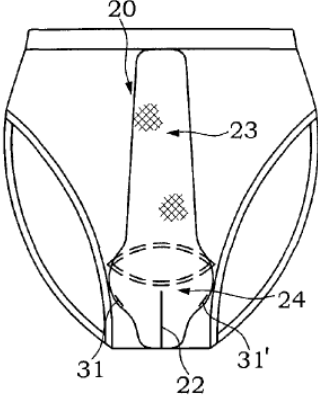
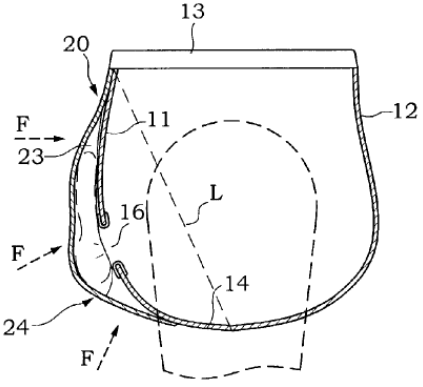
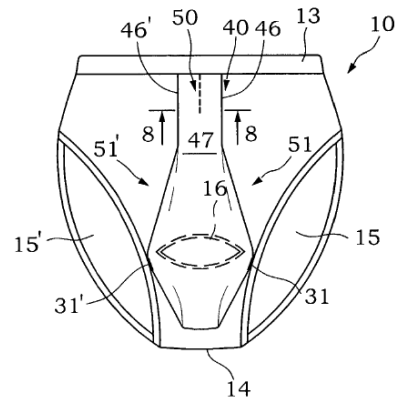
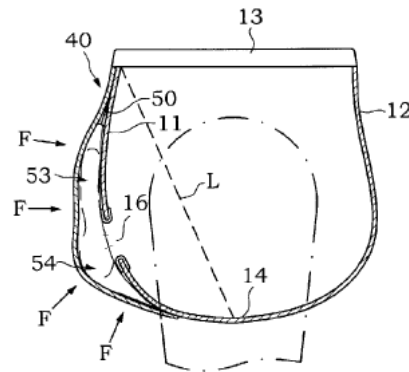
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened.”</p>  <p style="text-align: center;">Fig.3</p>  <p style="text-align: center;">Fig.5</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a stretch panel attached to the body inside the front portion having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

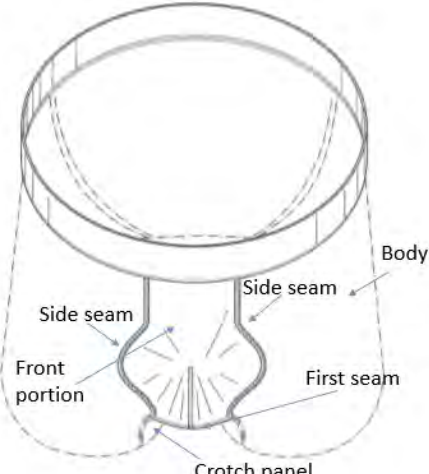
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>extending substantially continuously along either side of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The '058 Design discloses a stretch panel attached to the body inside the front portion having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See e.g.</i>,</p>  <p style="text-align: center;">FIG. 1</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

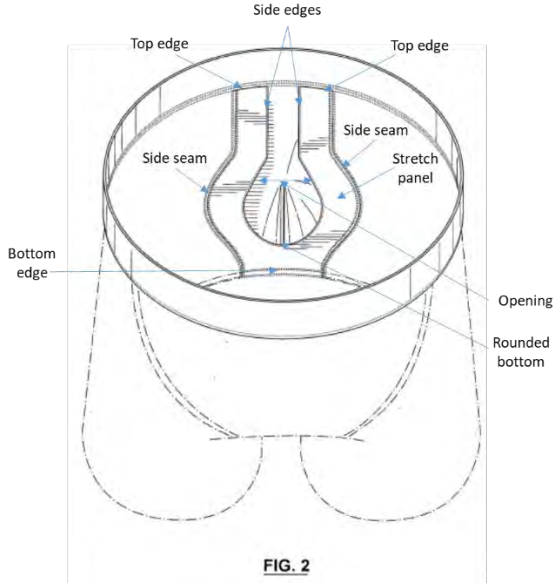
| Claim 1 | Exemplary Disclosure in Prior Art |
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| |  <p>FIG. 2</p> <p>WO 01/37687 discloses a stretch panel attached to the body inside the front portion. <i>See, e.g.,</i></p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

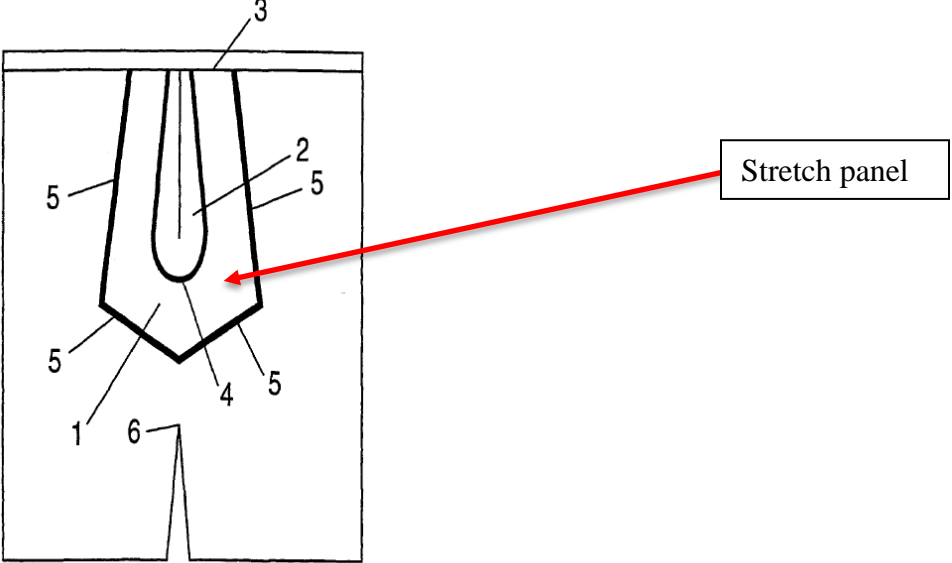
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>“The invention relates to a hygienic elastic garment for men’s underwear, which forms part and is sewn to classic underpants.” Abstract.</p> <p>“the garment is sewn to the inner front part of the underpants” Abstract.</p> <p>WO 01/37687 discloses a stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals. <i>See, e.g.,</i></p> <p>“elastic garment.” Abstract.</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

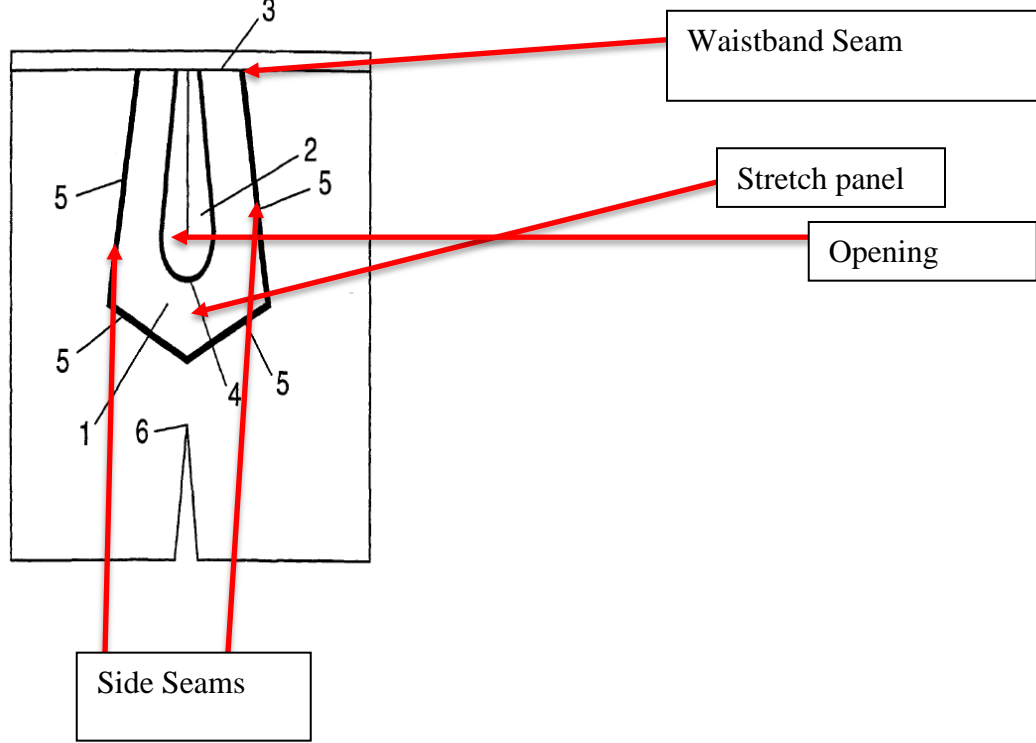
| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| |  <p>The diagram shows a front view of a garment, likely a pair of pants or shorts, with a central opening. A stretch panel is located at the top of the opening, bounded by side seams. A waistband seam is shown at the top of the garment. Red arrows point from labels to specific features: 'Waistband Seam' points to the top edge of the garment; 'Stretch panel' points to the central elasticized area; 'Opening' points to the central gap; 'Side Seams' points to the vertical lines on either side of the stretch panel; and 'Opening' also points to the bottom of the central gap. Various parts are numbered: 1, 2, 3, 4, 5, and 6.</p> |
| <p>[1.4] the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, the stretch panel having a length when unstretched smaller than a</p> | <p>The '218 Publication discloses a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. <i>See, e.g.,</i></p> <p>"[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14."</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 32 of 77****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art**

| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn.</p> | <p>“[0022] When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status.”</p> <p>“[0023] The top and bottom ends of the well-folded cover panel 40 are then respectively stitched to the waistband 13 and crotch 14 of the undergarment body 10.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] . . . When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40. Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

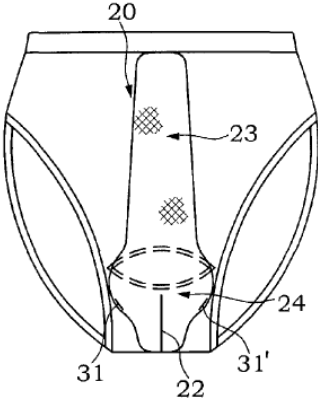
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p data-bbox="525 280 1896 459">“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened. The length of the stitched line 50 is determined subject to the size and style of the undergarment. Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p>  <p data-bbox="674 922 758 959">Fig.3</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

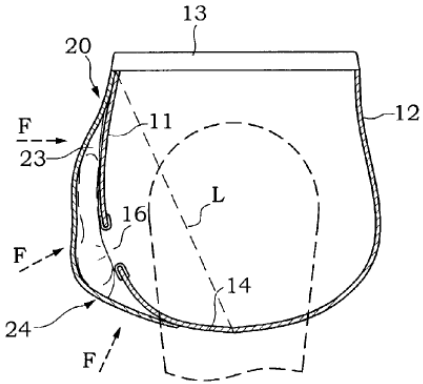
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="701 708 785 740">Fig. 5</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 35 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

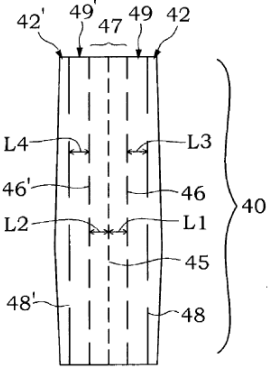
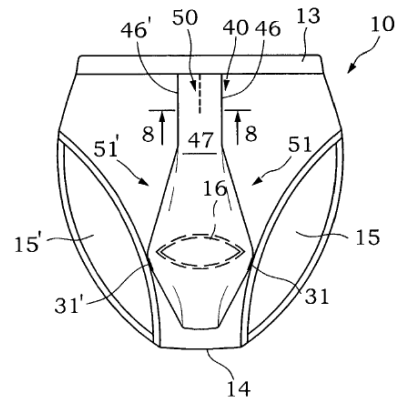
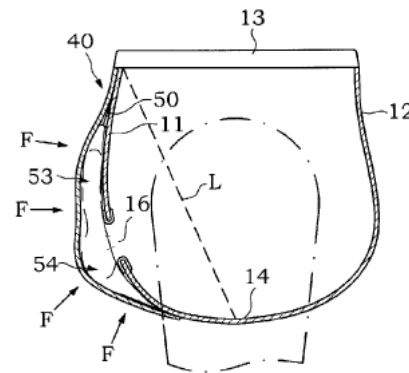
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="611 906 684 938">Fig.6</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 36 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

The '218 Publication discloses a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams. *See, e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] . . . When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40. Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 38 of 77****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art**

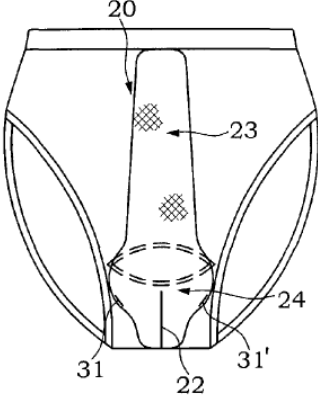
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p data-bbox="527 318 1885 532">“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened. The length of the stitched line 50 is determined subject to the size and style of the undergarment. Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p>  <p data-bbox="674 992 758 1032">Fig.3</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

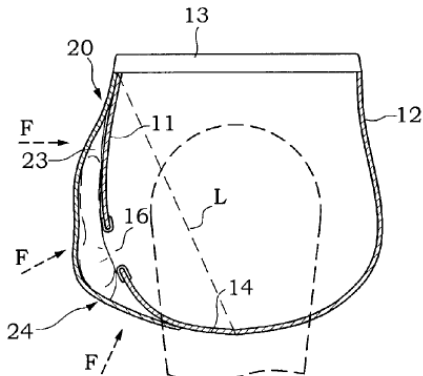
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="693 698 798 747">Fig.5</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

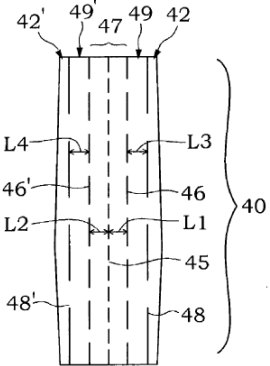
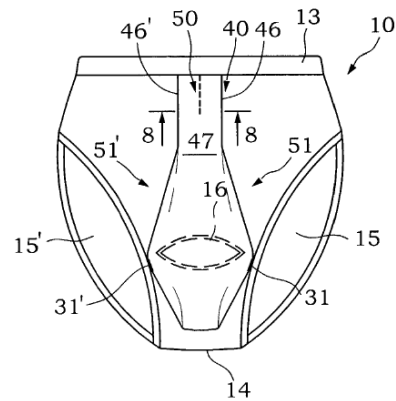
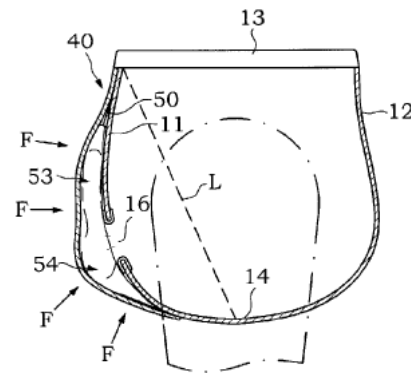
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="611 906 684 938">Fig.6</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 41 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

The front portion of the '218 Publication defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer's genitals. *See, e.g.,*

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| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0022] When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. Further, because of the effect of the bottom center pleat 22, the lower part of the cover panel 20 protrudes forwards from the undergarment body 10, forming a three-dimensional status.”</p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> <p>“[0025] . . . When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Further, the side cover portions 49 and 49' and back flap portions 42 and 42' of the cover panel 40 are gradually downwardly extended from the stitched line 50 toward two opposite lateral sides, showing a three-dimensional profile shaped like a water drop.”</p> <p>“[0027] The elastic material property and the effect of the stitched line 50 cause the side cover portions 49 and 49' to hold the user's penis positively in the penis receiving space 53 in vertical, preventing the user's penis from falling to the outside of the cover panel 40. Because the three-dimensional profile of the cover panel 40 is shaped like a water drop, the cover panel 40 effectively covers and supports the user's scrotum.”</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 43 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

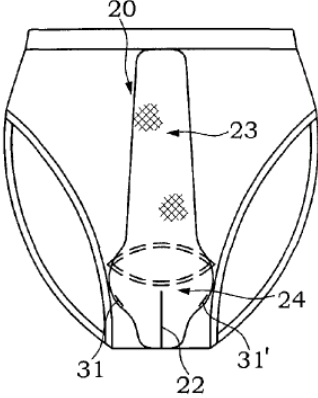
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“[0028] The length of the stitched line 50 helps define the variation of the width of the cover panel 40, i.e., the water drop-like three-dimensional becomes relatively shorter when the stitched line 50 relatively prolonged, or relatively longer when the stitched line 50 relatively shortened. The length of the stitched line 50 is determined subject to the size and style of the undergarment. Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p>  <p style="text-align: center;">Fig.3</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 44 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

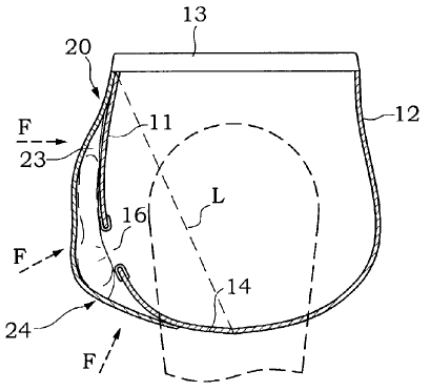
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="701 708 785 743">Fig. 5</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 45 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

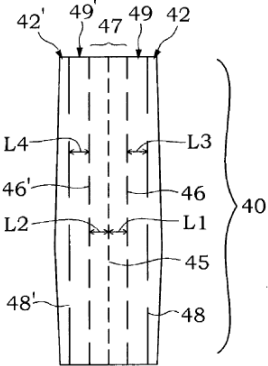
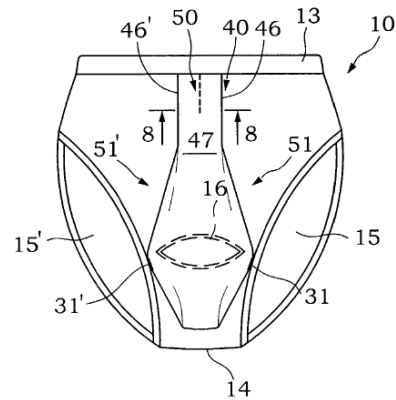
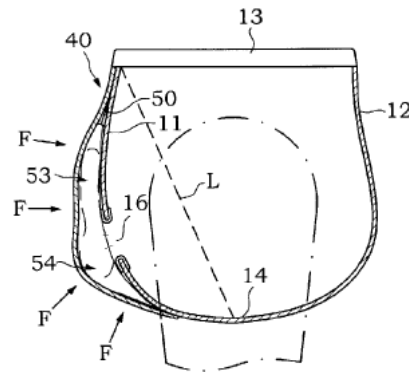
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="611 906 684 938">Fig. 6</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 46 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****Fig. 7****Fig. 11**

To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 47 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

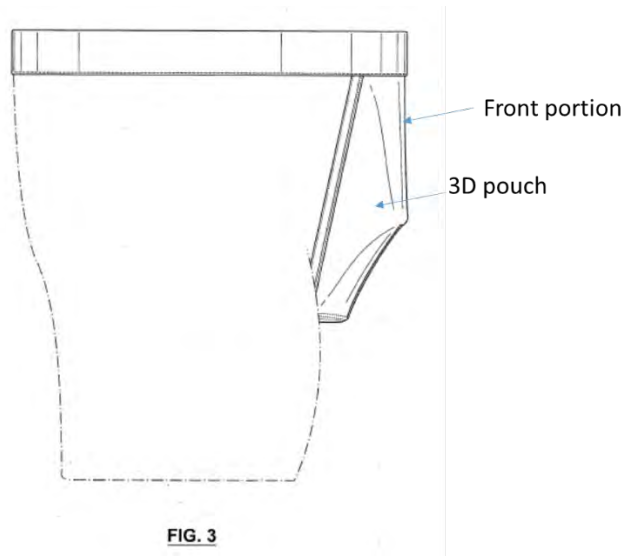
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The '058 Design discloses a front portion that defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn. <i>See e.g.</i>,</p> <div data-bbox="535 673 1155 1226">  <p>The diagram shows a side view of a garment's front portion. A horizontal waistband is at the top. Below it, the front portion is gathered. A label 'Front portion' points to the gathered area. A label '3D pouch' points to a pocket-like structure formed by the gathering. The bottom of the garment is indicated by a dashed line.</p> <p>FIG. 3</p> </div> <p>Alternatively, one of ordinary skill in the art would understand how to make a garment wherein the front portion is gathered from side-to-side and top-to-bottom by the stretch panel, wherein the stretch panel has a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 48 of 77****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art**

| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>between the side seams. For example, EP O 476 818 teaches a method of gathering from side-to-side and top-to-bottom by an elastic fabric. <i>See, e.g.,</i></p> <p>“The garment now has a waist opening 31 and in accordance with the present invention, an elasticated band 32 is secured in face to face contact to a marginal portion 33 of the garment surrounding the waist opening 31. The band 32 is secured to the garment whilst in a tensioned condition (i.e. stretched condition) so that on relaxation, the fabric of the marginal portion 33 is ruched thereby enabling the band to stretch when the garment is being worn.” (4:4-12)</p> <p>“The operative inserts the garment over the band, drops the presser foot 56, sews a pre-set number of stitches, typically two or three, after which the roller 59 drops automatically, and the metering device 62 automatically reverses to apply the pre-programmed tension to the band so that the ruched effect can be achieved.” (6:47-53)</p> |

| Claim 2 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[2] A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See, e.g.,</i></p> <p>“[0024] Referring to FIGS. 4, 5, 9, 10 and 11, when the undergarment put on the user's body, the undergarment body 10 and the cover panel 20 or 40 are stretched outwards into a three-dimensional status. At this time, the elastic material property of the cover panel 20 or 40 produces components of force F in direction toward the imaginary straight line L between the waistband and the crotch, keeping the cover panel 20 or 40 closely attached to the lower part of the user's abdomen.”</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

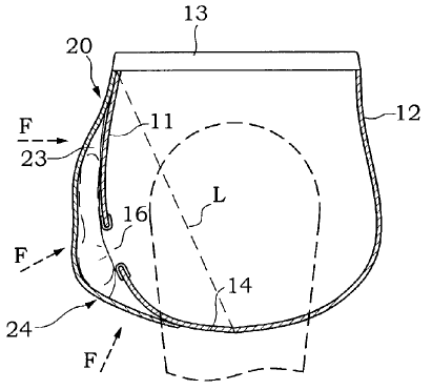
| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="701 708 785 740">Fig. 5</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

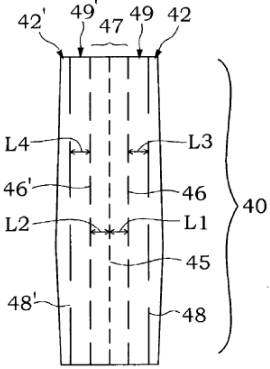
| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="611 906 688 938">Fig.6</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 51 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="520 277 926 643" data-label="Image"> </div> <p data-bbox="690 716 789 748">Fig. 11</p> <p data-bbox="520 808 1864 1057">To the extent Plaintiffs contend the '218 Publication, alone or in combination with the '058 Design, does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p data-bbox="520 1101 1877 1170">The '369 Patent discloses asymmetrical stretch characteristics of a fabric such that it stretches more easily in one direction and less easily in a direction at right angles to the first direction. <i>See, e.g.,</i></p> <p data-bbox="520 1214 1892 1419">“With reference to FIG. 3, the warp knit is generally known in the art for having strands 26 running substantially parallel along a direction 27 of the fabric. Lateral threads 28 running substantially perpendicular to the strands 26 and in a direction 29 encircle sets of two strands 26 at once. Each adjacent lateral thread 28 encircles one of the two strands 26 in the first set and one of the two strands 26 from the second set. This pattern is repeated throughout. The warp knit, by virtue of having parallel strands 26 along the direction 27 of the fabric, is resistant to stretch in the direction 27 when compared to other knitted</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

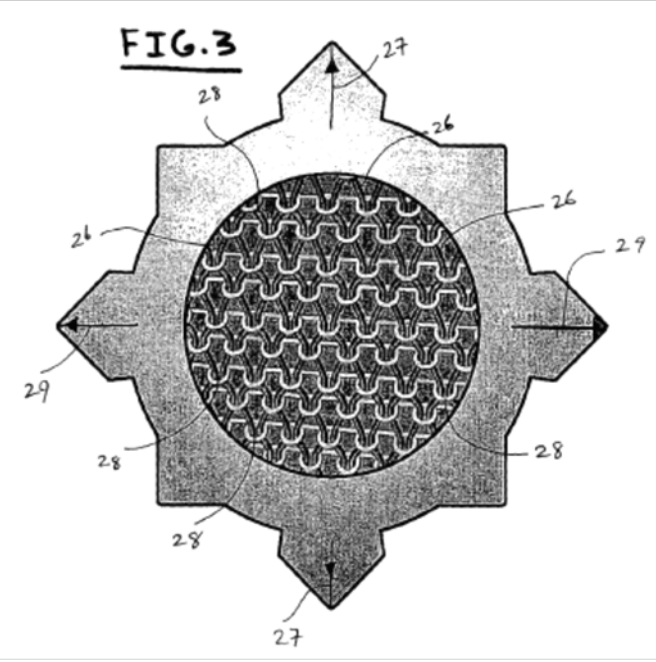
| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>fabrics, which may undesirably stretch. Thus, the warp knit fabric stretches less along the direction 27 than along the direction 29.” (2:40-52)</p> <p>“The warp knit fabric used to form the groin portion 14 can stretch a relatively greater amount in the horizontal direction, roughly parallel to the waistband, than in the vertical direction. The ability to stretch in the horizontal direction allows for the accommodation of different sizes and shapes of male genitals. The groin portion stretches in the horizontal direction to accommodate the genitals of the supporter user while maintaining slight pressure on the genitals in the horizontal direction, thus aiding the cupping and compression functions of the supporter 10.” (3:1-10)</p>  |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 53 of 77****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art**

| Claim 2 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>The '874 Publication discloses a stretch panel [rear panel 114] that has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See e.g.</i>, [0022 and 0024].</p> <p>[0022] “In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable.”</p> <p>[0024] “The rear panel 114 is also comprised of the fabric 108.”</p> |

| Claim 5 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[5] A garment according to claim 1 wherein the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses the length measured along material of the front portion from the first seam to the waistband seam exceeding a length measured along the fabric of the stretch panel when unstretched, by at least 30%. <i>See, e.g.</i>,</p> <p>“[T]he cover panel having top and bottom ends . . . fixedly fastened to waistband” (Abstract)</p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> <p>“[0023] . . . The top and bottom ends of the well-folded cover panel 40 are then respectively stitched to the waistband 13 and crotch 14 of the undergarment body 10.”</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 54 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

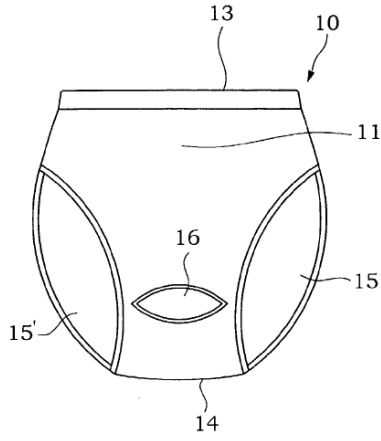
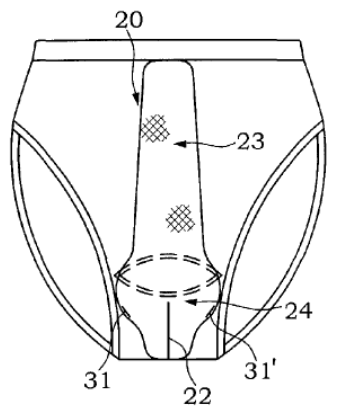
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="556 284 934 722"></div> <p data-bbox="703 730 787 771">Fig. 1</p> <div data-bbox="535 820 871 1226"></div> <p data-bbox="661 1274 766 1315">Fig. 3</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

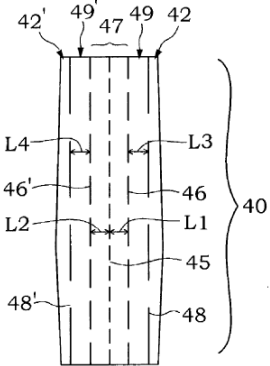
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="611 906 688 938">Fig.6</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 56 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="548 285 936 683" data-label="Image"> </div> <p data-bbox="709 727 789 764">Fig.7</p> <p data-bbox="522 824 1890 1040">To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a garment where the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p data-bbox="522 1081 1890 1185">The '058 Design is a garment where the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%. <i>See e.g.,</i></p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 57 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

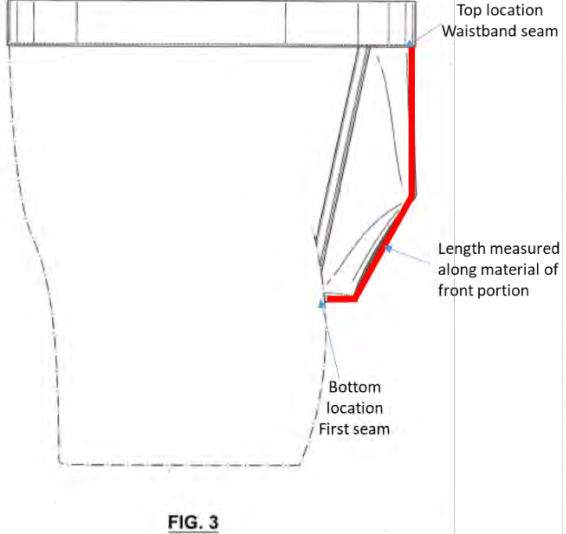
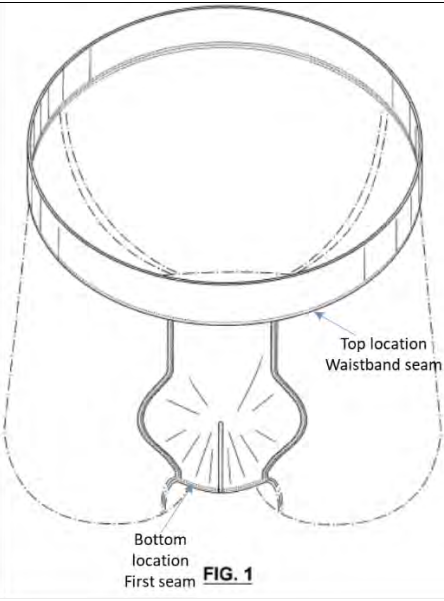
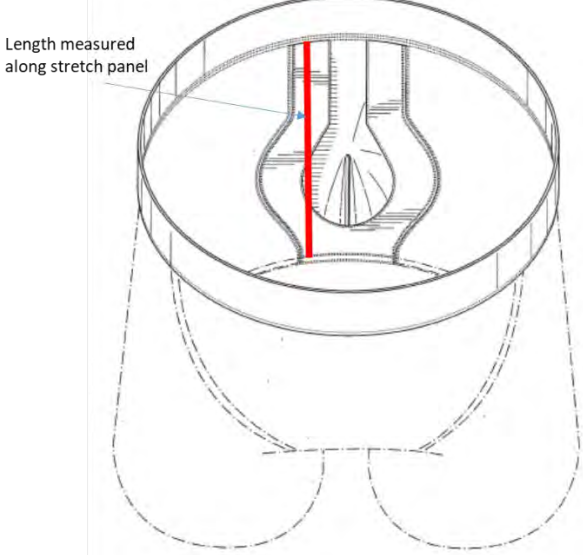
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="541 305 1102 836">  <p>Top location Waistband seam</p> <p>Length measured along material of front portion</p> <p>Bottom location First seam</p> <p>FIG. 3</p> </div> <div data-bbox="1102 272 1543 872">  <p>Top location Waistband seam</p> <p>Bottom location First seam</p> <p>FIG. 1</p> </div> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 58 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|----------------|---|
| |  <p data-bbox="856 868 913 893">FIG. 2</p> |

| Claim 6 | Exemplary Disclosure in Prior Art |
|--|---|
| <p data-bbox="121 1057 493 1166">[6] A garment according to claim 1 wherein the garment is a pair of undershorts.</p> | <p data-bbox="527 1057 898 1089">See above regarding claim 1.</p> <p data-bbox="527 1130 1325 1162">The '218 Publication discloses a pair of undershorts. <i>See, e.g.,</i></p> <p data-bbox="527 1203 982 1235">“A men's undergarment” (Abstract)</p> <p data-bbox="527 1243 1014 1276">“MEN'S UNDERGARMENT” (Title)</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 59 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

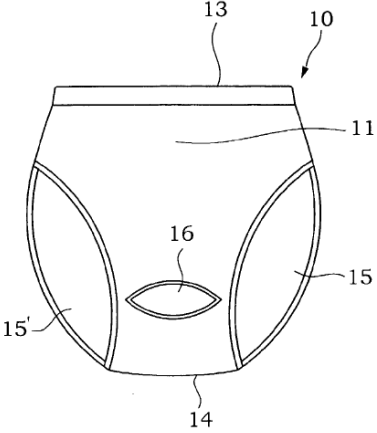
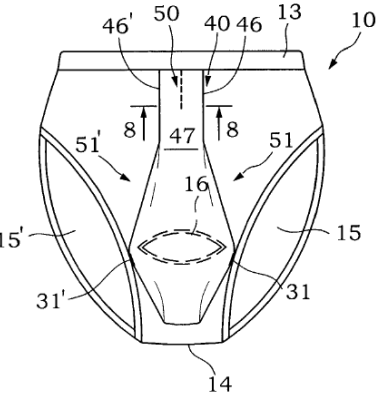
| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p data-bbox="527 280 1860 350">“[0002] The present invention provides an undergarment for men and, more particularly, to such a men's undergarment that is good for the health of the user's genitals.”</p>  <p data-bbox="705 808 779 841">Fig. 1</p>  <p data-bbox="705 1304 789 1336">Fig. 7</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 60 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

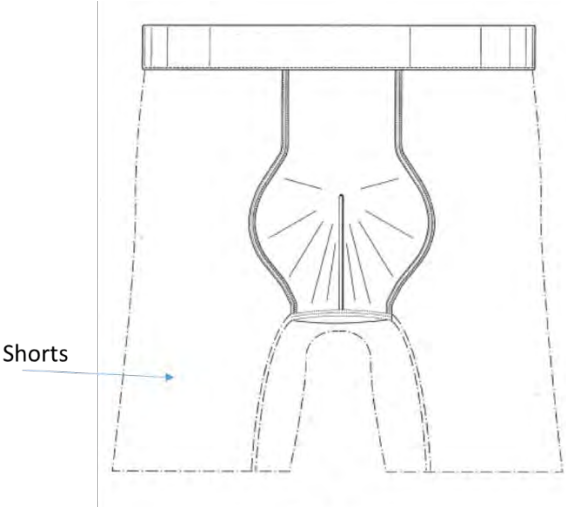
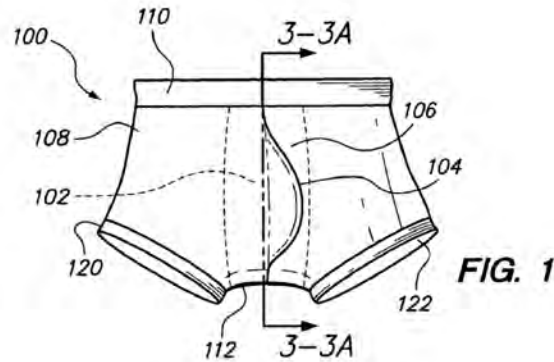
| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a pair of undershorts, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The '058 Design is a pair of undershorts. <i>See e.g.</i>,</p> <p>“Men's Undergarment” (Title)</p>  <p style="text-align: center;">FIG. 4</p> <p>The '874 Publication discloses a garment that is a pair of undershorts [boxer-brief type underwear 100]. <i>See e.g.</i>, FIG. 1.</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 61 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 6**Exemplary Disclosure in Prior Art**

WO 01/37687 discloses a pair of undershorts. *See, e.g.,*

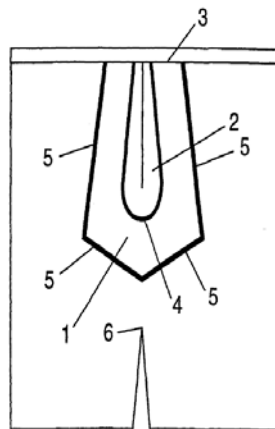


Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 62 of 77****Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art**

| Claim 7 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>[7] A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p>“[0030] 1. The cover panel 20 or 40 can be made of ventilating or meshed elastic cloth material different from the undergarment body 10, achieving a satisfactory ventilation effect.”</p> <p>To the extent Plaintiffs contend the '218 Publication, alone or in combination with the '058 Design, does not expressly, implicitly, or inherently disclose a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.</p> <p>The '571 Patent discloses the stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™. Pouch 18 may be of a material containing 82% polyester and 18% Spandex™. In one embodiment, the balance of brief 10 is of the same material, however in an alternative embodiment, the balance of brief 10 is made of a 92% cotton, 8% Spandex™ fabric.” (4:25-33)</p> |
| Claim 8 | Exemplary Disclosure in Prior Art |
| <p>[8] A garment according to claim 1 wherein the opening has a width in excess of 2 cm.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses an opening with a width in excess of 2 cm. <i>See, e.g.,</i></p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 63 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

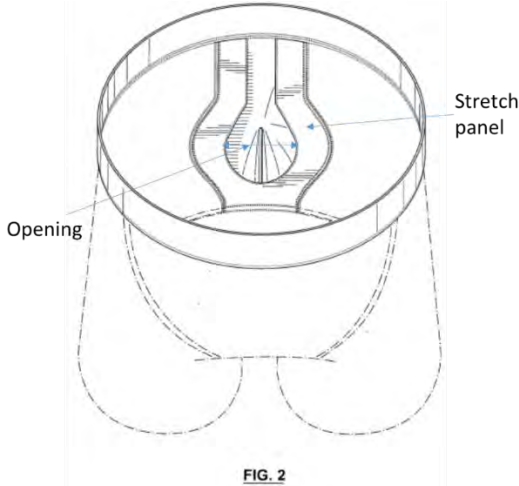
| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“[0009] . . . The cover panel defines with the front panel a penis receiving space above the opening of the front panel, and a scrotum receiving space below the opening of the front panel.”</p> <p>“[0021] . . . The front panel 11 has an opening 16 corresponding to the genitals.”</p> <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23.”</p> <p>“[00028] Basically, the water drop-like three-dimensional profile of the cover panel 40 fits the genitals of a matured man.”</p> <p>Furthermore, the '058 Design discloses this limitation. <i>See, e.g.,</i></p>  <p style="text-align: center;">FIG. 2</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 64 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[9] A garment according to claim 1 wherein: the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p> <p>“[0009] . . . The cover panel defines with the front panel a penis receiving space above the opening of the front panel, and a scrotum receiving space below the opening of the front panel.”</p> <p>“[0013] FIG. 4 is a schematic front view of the first embodiment of the present invention, showing the genitals received in the penis receiving space and the scrotum receiving space.”</p> <p>“[0021] . . . When installed, the cover panel defines with the front panel 11 of the undergarment body 10 a penis receiving space and the crotch 14 a scrotum receiving space.”</p> <p>“[0022] . . . When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum.”</p> <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23. When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 65 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

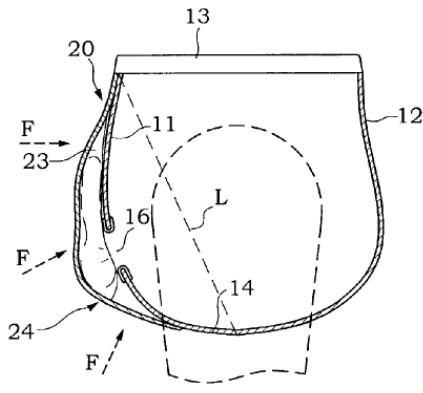
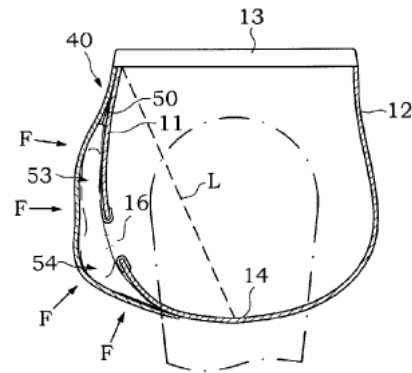
| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“[0026] Referring to FIGS. 9-11, when the undergarment of the second embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the penis extended upwards and received in the tubular penis receiving space 53 defined between the front panel 11 of the undergarment body 10 and the front cover portion 47 and side cover portions 49 and 49' of the cover panel 40, and the scrotum received in the bag-like scrotum receiving space 54 defined between the front panel 11 of the undergarment body 10 and the cover panel 40 below the opening 16.”</p>  <p style="text-align: center;">Fig.5</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 66 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 9**Exemplary Disclosure in Prior Art****Fig. 11**

Furthermore, the '058 Design discloses this limitation. *See, e.g.,*

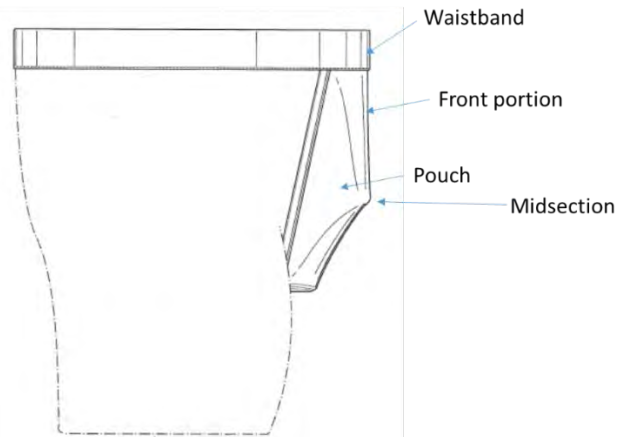
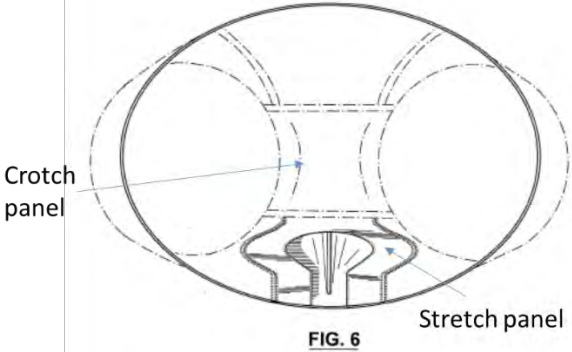
**FIG. 3**

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p style="text-align: center;">FIG. 6</p> |

| Claim 10 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> |

| Claim 12 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[12] A garment according to claim 1, wherein the first seam is disposed forward of</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses the first seam disposed forward of a perineum region of a wearer. <i>See, e.g.,</i></p> |

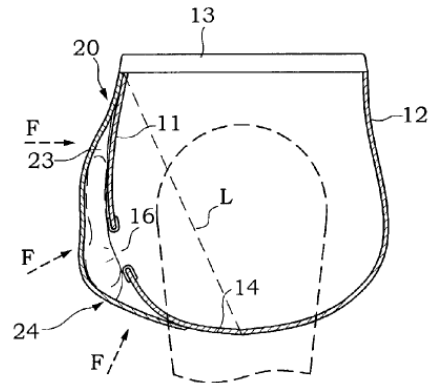
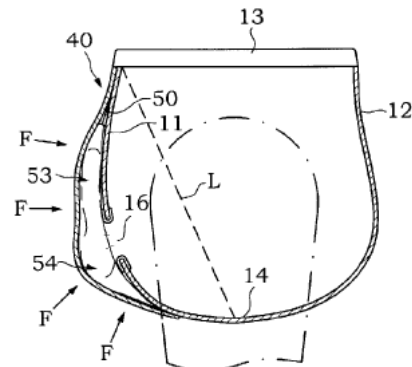
Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 68 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 12 | Exemplary Disclosure in Prior Art |
|--------------------------------|--|
| a perineum region of a wearer. | <p>“[0009] . . . The cover panel defines with the front panel a penis receiving space above the opening of the front panel, and a scrotum receiving space below the opening of the front panel.”</p> <p>“[0013] FIG. 4 is a schematic front view of the first embodiment of the present invention, showing the genitals received in the penis receiving space and the scrotum receiving space.”</p> <p>“[0021] . . . When installed, the cover panel defines with the front panel 11 of the undergarment body 10 a penis receiving space and the crotch 14 a scrotum receiving space.”</p> <p>“[0022] . . . When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum.”</p> <p>“[0025] Referring to FIGS. 4 and 5, when the undergarment of the first embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the scrotum received in the scrotum receiving space 24 and the penis received in the penis receiving space 23. When the user adjusted the undergarment to the best fit position, the cover panel 20 is forced by its elastic material property to cover the penis and to secure the penis to the inside of the penis receiving space 23. At the same time, the cover panel 20 supports the scrotum in the scrotum receiving space 24.”</p> <p>“[0026] Referring to FIGS. 9-11, when the undergarment of the second embodiment of the present invention put on the user's body, the user's penis and scrotum are extended out of the undergarment body 10 through the opening 16, keeping the penis extended upwards and received in the tubular penis receiving space 53 defined between the front panel 11 of the undergarment body 10 and the front cover portion 47 and side cover portions 49 and 49' of the cover panel 40, and the scrotum received in the bag-like scrotum receiving space 54 defined between the front panel 11 of the undergarment body 10 and the cover panel 40 below the opening 16.”</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 69 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 12**Exemplary Disclosure in Prior Art****Fig.5****Fig.11**

Furthermore, the '058 Design discloses this limitation. *See, e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

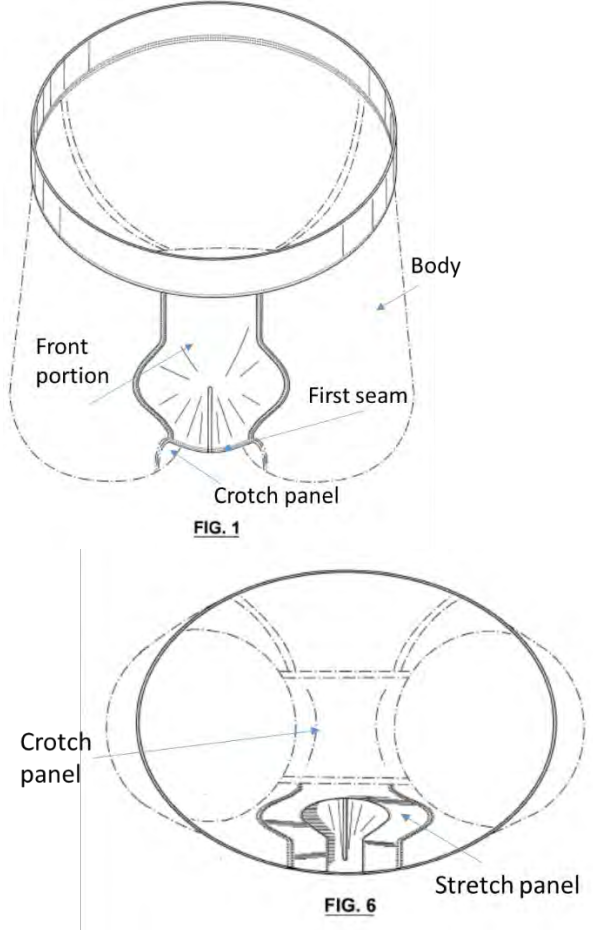
| Claim 12 | Exemplary Disclosure in Prior Art |
|----------|---|
| |  <p>FIG. 1 is a perspective view of a garment, such as a pair of pants, showing a crotch panel and a stretch panel. The garment includes a front portion, a body, and a first seam. The crotch panel is located at the bottom center of the front portion, and the stretch panel is located at the bottom center of the body. The first seam is located at the bottom center of the front portion, adjacent to the crotch panel.</p> <p>FIG. 6 is a perspective view of a garment, such as a pair of pants, showing a crotch panel and a stretch panel. The garment includes a front portion, a body, and a first seam. The crotch panel is located at the bottom center of the front portion, and the stretch panel is located at the bottom center of the body. The first seam is located at the bottom center of the front portion, adjacent to the crotch panel.</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

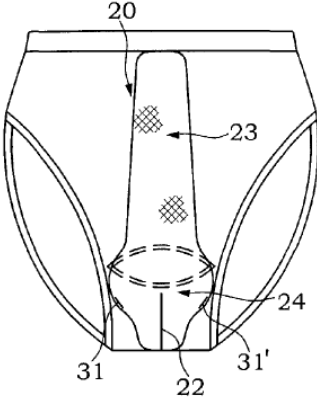
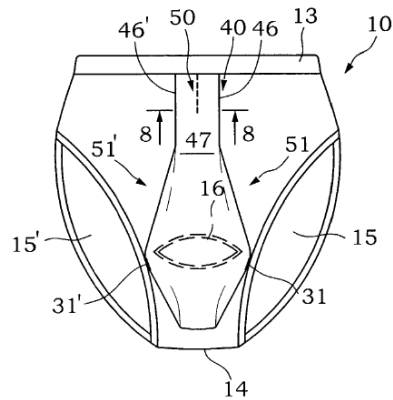
| Claim 14 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>[14] A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a stretch panel formed from a single unitary piece of woven fabric. <i>See, e.g.,</i></p> <p>“[0022] . . . As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end.”</p> <p>“The men's undergarment as claimed in claim 1, wherein said cover panel is made of a piece of elastic ventilating cloth.” (Claim 2)</p> <p>“The men's undergarment as claimed in claim 1, wherein said cover panel is made of meshed piece of elastic cloth.” (Claim 3)</p>  <p>Fig. 3</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 72 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

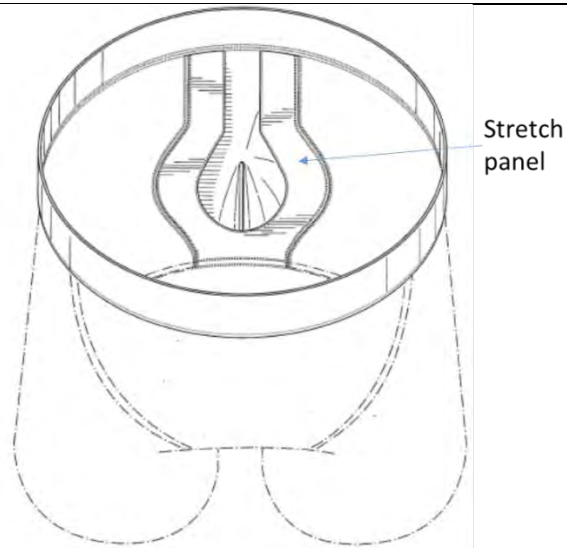
Claim 14**Exemplary Disclosure in Prior Art****Fig.7**

To the extent Plaintiffs contend the '218 Publication does not expressly, implicitly, or inherently disclose a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one's knowledge and the '218 Publication, understand how to modify the disclosure of the '218 Publication to meet this limitation. Alternatively, one of ordinary skill could modify the '218 Publication in view of one or more prior art references to meet this limitation.

The '058 Design discloses a stretch panel formed from a single unitary piece of fabric. *See e.g.,*

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

Claim 14**Exemplary Disclosure in Prior Art****FIG. 2**

The '874 Publication discloses a stretch panel [rear panel 114] formed from a single unitary piece of woven fabric [fabric 108]. *See e.g.,*

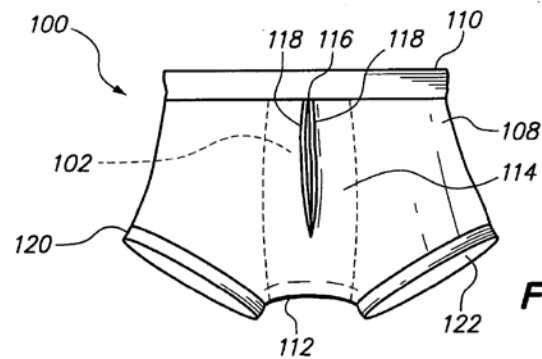
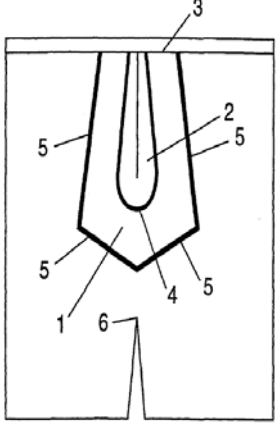
**FIG. 2**

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

| Claim 14 | Exemplary Disclosure in Prior Art |
|-----------------|--|
| | <p>[0022] “In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable.”</p> <p>[0024] “The rear panel 114 is also comprised of the fabric 108.”</p> <p>WO 01/37687 discloses a stretch panel formed from a single unitary piece of woven fabric. <i>See, e.g.</i>, “The invention relates to a hygienic elastic garment for men's underwear.” Abstract.</p>  |

| Claim 15 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[15] A garment according to claim 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front</p> | <p>See above regarding claim 1.</p> <p>The '218 Publication discloses a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.</i>,</p> |

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Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

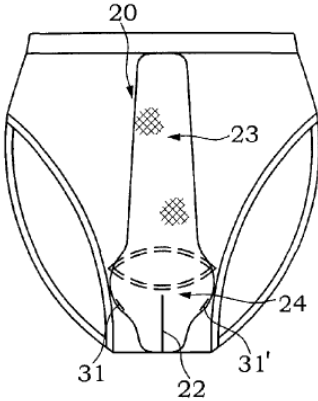
| Claim 15 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>of and underneath the genitals of a wearer.</p> | <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. . . . Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p>  <p>Fig.3</p> <p>Furthermore, the '058 Design discloses this limitation. <i>See, e.g.,</i></p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 76 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

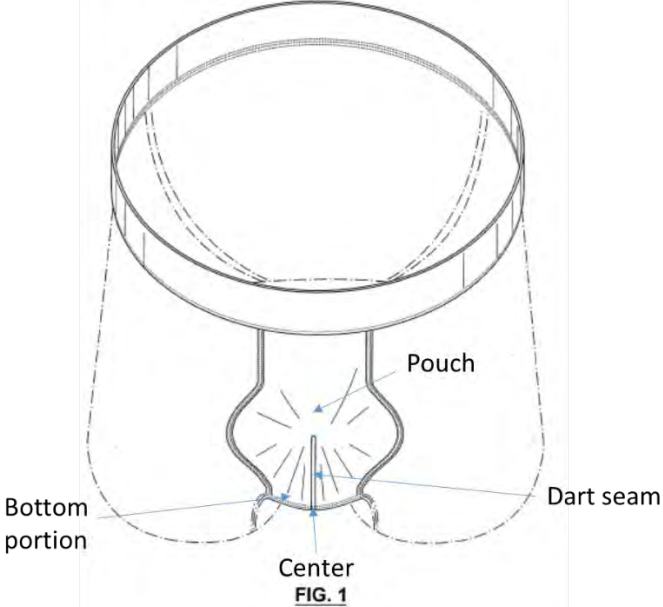
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p>FIG. 1</p> |

Exhibit D-2**Invalidity of U.S. Patent No. 9,687,030****Page 77 of 77**

Either Anticipation by U.S. Patent Publication No. 2004/0025218 (Published Feb. 12, 2004) and/or Obviousness in View of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) and/or Other Prior Art

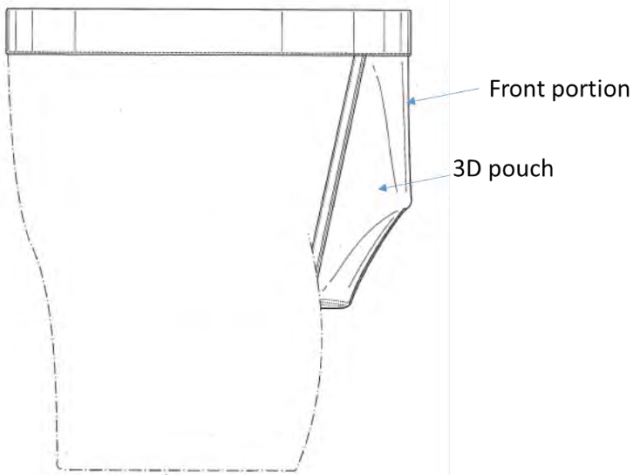
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|---|
| |  <p data-bbox="1024 367 1171 391">Front portion</p> <p data-bbox="989 448 1094 472">3D pouch</p> <p data-bbox="701 805 758 829">FIG. 3</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 1 of 57****Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art**

Upon information and belief, the disclosure of WO 01/37687 A1 (Published May 31, 2001) renders the asserted claims of U.S. Patent No. 10,034,496 under 35 U.S.C. § 102 obvious under 35 U.S.C. § 103 in view of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”), and alternatively in further view of U.S. Patent Publication 2009/0106874 (published April 30, 2009) (“874 Publication”), U.S. Patent 7,631,369 (issued Dec. 15, 2009; published as US 2007/0220660 on Sept. 27, 2007) (the “369 Patent”), International Publication No. WO 98/39981 (published Sept. 17, 1998) (“WO 98/39981”), U.S. Publication No. 2007/0277285 (published Dec. 6, 2007) (the “285 Publication”), European Patent Application No. EP 0 476 818 (published March 25, 1992) (“EP 0 476 818”), Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) (the “058 Design”), and/or U.S. Patent Publication No. 2004/0025218 (published Feb. 12, 2004) (“218 Publication”) as set forth in the chart below.

The following contentions are subject to revision and amendment pursuant to Federal Rule of Civil Procedure 26(e) and the Court Orders in this matter subject to further investigation and discovery regarding the references.

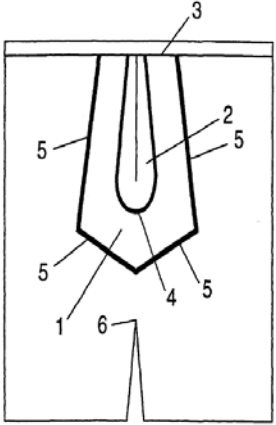
| Claim 1 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[1.pre] 1. A male garment comprising:</p> | <p>WO 01/37687 discloses a male garment. <i>See, e.g.,</i></p>  <p>“The invention relates to a hygienic elastic garment for men’s underwear, which forms part and is sewn to classic underpants.” Abstract.</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 2 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

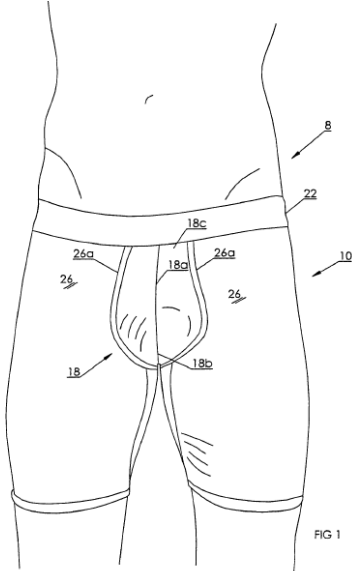
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>Furthermore, the '571 Patent discloses this limitation. <i>See, e.g.,</i></p> <p>"An underwear garment for use by a male" (Abstract)</p> <p>"UNDERWEAR GARMENT FOR A MALE" (Title)</p> <p>"This invention relates to the field of men's undergarments generally, and in particular to an undergarment having an improved pouch and sidewalls for supporting genitalia and decreasing irritation due to skin-to-skin friction and chaffing." (1:12-15)</p>  |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 3 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|-----------------------------------|
| | <p>FIG 2</p> <p>FIG 3</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 4 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[1.1] a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;</p> | <p>WO 01/37687 discloses a body including a front portion and having leg openings for a wearer's legs. <i>See, e.g.,</i></p>  <p>WO 01/37687 discloses a body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 5 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

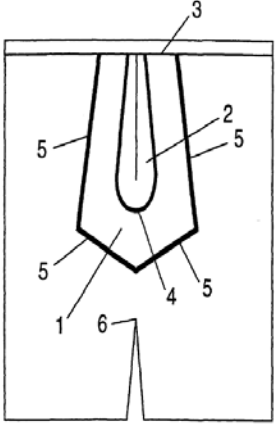
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a crotch panel extending between the leg openings and joined to the front portion along a first seam, one of ordinary skill in the art would, based on one's knowledge and WO 01/37687, understand how to modify WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The '571 Patent discloses a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>"An underwear garment for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall." (Abstract)</p> <p>"This invention relates to the field of men's undergarments generally, and in particular to an undergarment having an improved pouch and sidewalls for supporting genitalia and decreasing irritation due to skin-to-skin friction and chaffing." (1:12-15)</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

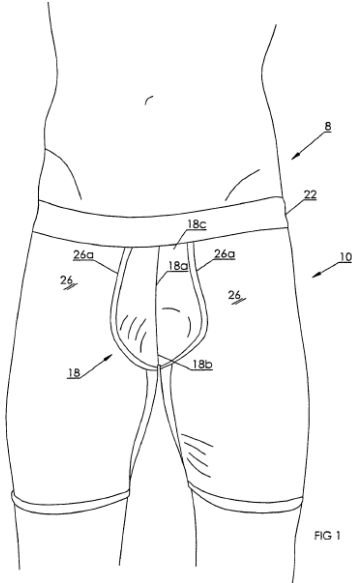
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“Gussets 30 extend laterally from the rearmost end of pouch compartment 18, where they share a common seam 30a and extend laterally down the oppositely disposed legs 32 so as to terminate at legbands 32a, it being understood that the length of gussets 30 will of course depend on the length of legs 32.” (5:56-61)</p> <p>“a waistband, and a front wall depending downwardly from the front thereof” (claim 1)</p>  <p>FIG 1</p> |

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| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|-----------------------------------|
| | <p>FIG 2</p> <p>FIG 3</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

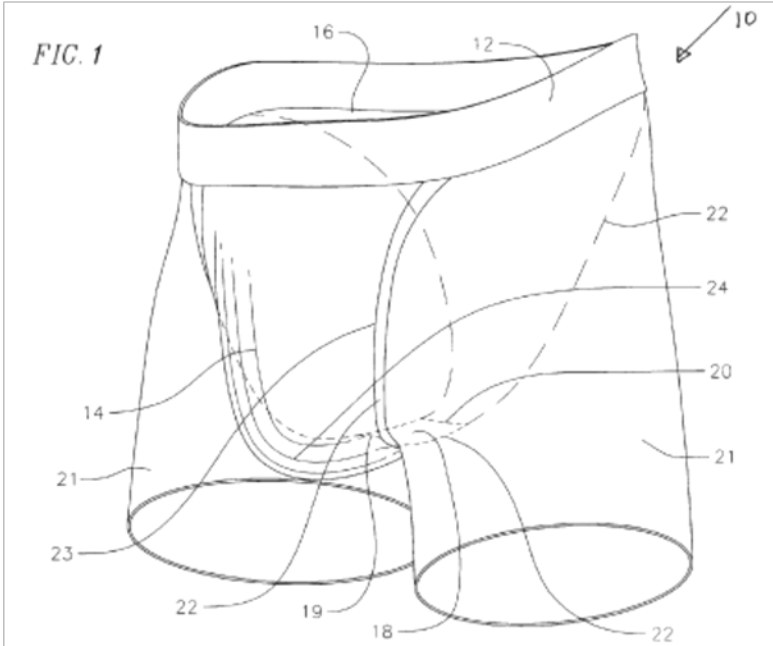
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>Furthermore, the '369 Patent discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>"The stability anchor 18 connects the groin portion 14 to the back portion 16 by extending from the groin portion 14 to the back portion 16 while laterally following the contour of the inner thigh portions of the leg portions 20 and being connected to the leg portions 20." (3:20-24)</p>  |

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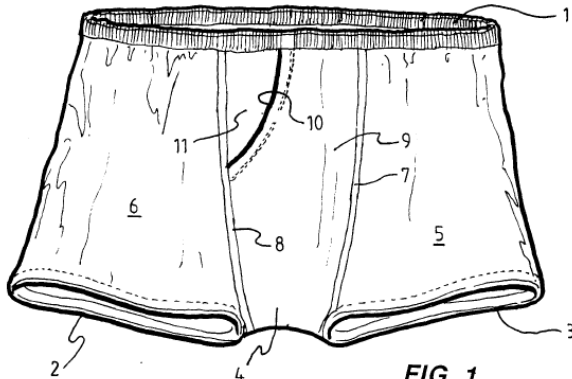
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>Furthermore, WO 98/39981 discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>"The style of the underpants providing an outer garment are conventional boxer shorts which is a style known and found to be very comfortable for normal usage. In accord with this embodiment there are full legs 2 and 3, and a joining panel 4 which is joined to leg panels 5 and 6 by seams 7 and 8. Seams 7 and 8 support a front panel 9 which is openable along the join at 10 and there is a back panel 11 behind this the joining edge of which is shown for instance in FIG 2 at 12 so that for normal purposes of relief, the penis can be manoeuvred between the several panels." (3:22-4:4)</p>  <p style="text-align: center;">FIG. 1</p> |

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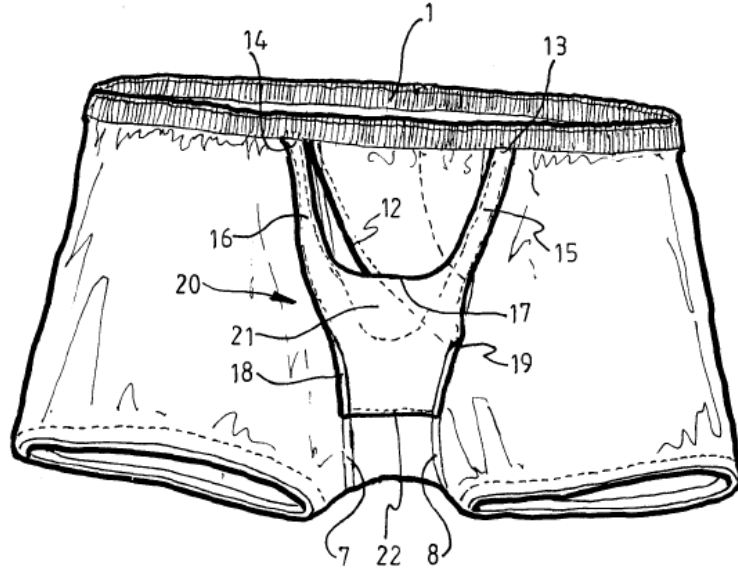


FIG. 2

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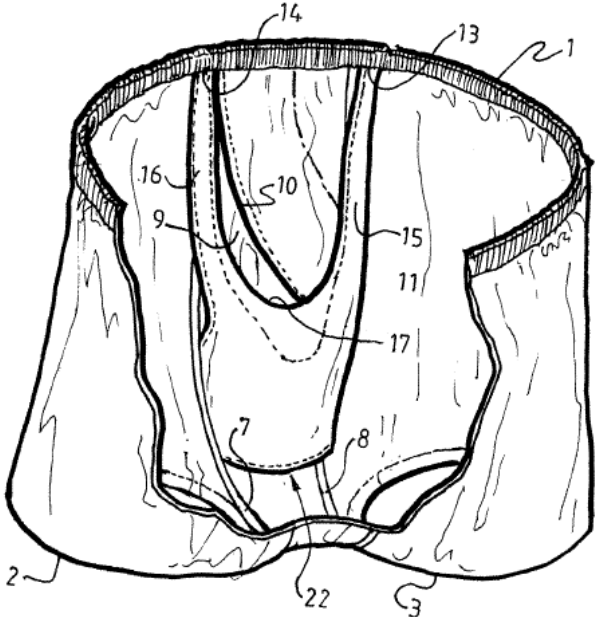
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p style="text-align: right;">FIG. 4</p> <p>Furthermore, the '285 Publication discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>"[0028] FIG. 7 shows is a frontal perspective view of a second, alternative embodiment of the multipurpose undergarment in accordance with the invention. In this embodiment, the undergarment shown generally at 70 again includes front leg portions 71 and 72 with corresponding leg openings 78a and 78b and includes a conventional front opening (fly) 73 secured by stitching to the front panel as shown at 75."</p> <p>"[0029] Not unlike the embodiment depicted in FIG. 1, the top edge of the pouch as shown in FIG. 7 can be secured to the interior of the undergarment along the elastic waste band (shown generally at 79). The</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

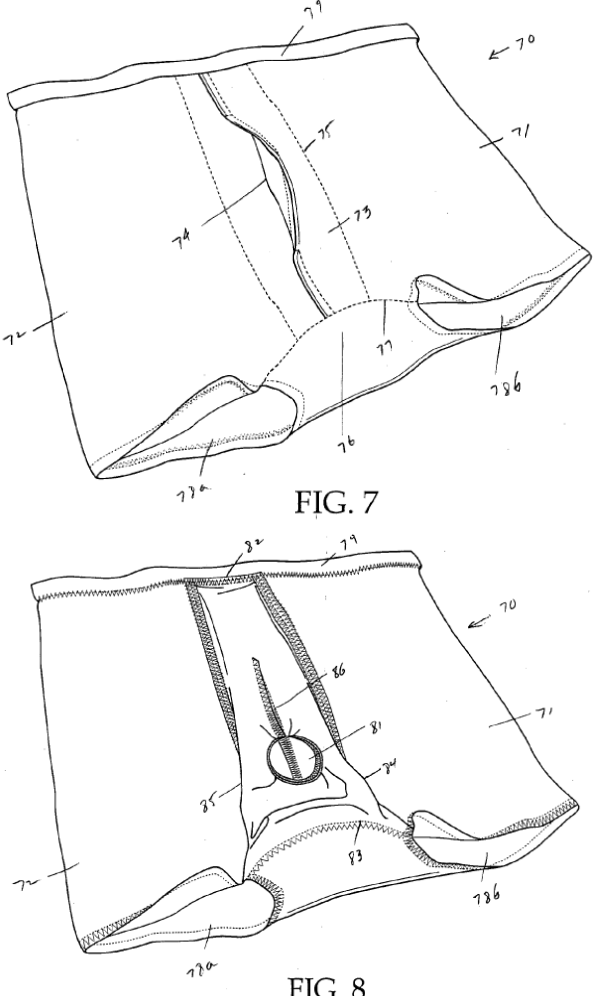
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>bottom edge can likewise be secured along the bottom portion 76 of the undergarment as shown along line 77."</p>  <p>FIG. 7 is a perspective view of an undergarment 70, such as a pair of briefs, showing a front panel 71 and a back panel 72. A closure mechanism is shown along the bottom edge 76, including a strap 74, a buckle 75, and a strap 73. A dashed line 77 indicates a line of attachment or stitching. A small detail 786 is shown at the bottom right corner.</p> <p>FIG. 8 is a perspective view of the same undergarment 70, showing a different closure mechanism. It includes a strap 82, a buckle 86, and a strap 81. A dashed line 83 indicates a line of attachment or stitching. A small detail 85 is shown at the bottom left corner. The bottom edge 76 and corner detail 786 are also visible.</p> |

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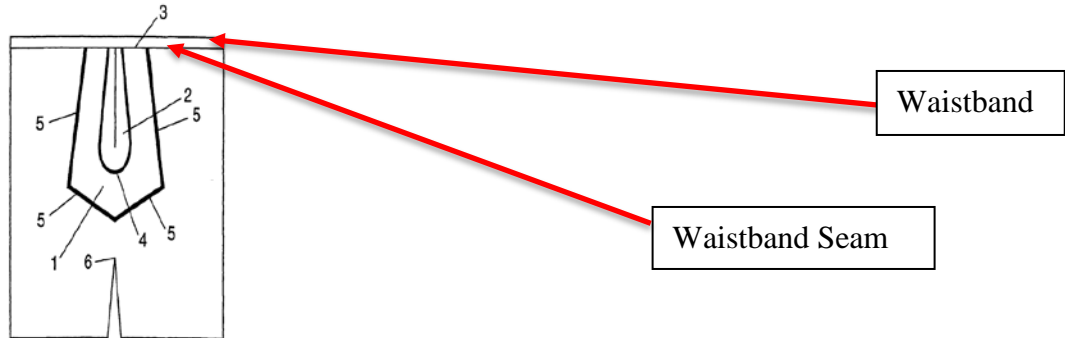
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| | <p>During prosecution of U.S. Pat. No. 9,687,030, the Applicant did not dispute that the ’285 Publication meets this element. (See Amendment, July 8, 2014, pages 6-7.)</p> |
| <p>[1.2] a waistband attached by a waistband seam at an upper edge of the body;</p> | <p>WO 01/37687 discloses a waistband attached by a waistband seam at an upper edge of the body. <i>See, e.g.,</i></p> <div data-bbox="590 542 1648 878">  <p>The diagram shows a front view of a male underwear garment. A waistband is at the top, labeled with '3'. A waistband seam is shown where the waistband is attached to the body of the garment, labeled with '2'. The body of the garment includes a central pouch and side panels, labeled with '1', '4', '5', and '6'. Red arrows point from the labels 'Waistband' and 'Waistband Seam' to their respective parts in the diagram.</p> </div> <p>Furthermore, the ’571 Patent discloses this limitation. <i>See, e.g.,</i></p> <p>“An underwear garment for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall.” (Abstract)</p> <p>“In summary, the underwear garment according to the present invention, and for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in amid-section of a front wall depending from a waistband so as to bisect said front wall.” (2:17-22)</p> <p>“In one embodiment this is done where the side panels extend up to the waistband, and where the pouch also extends between the side panels substantially up to the waistband.” (2:54-57)</p> |

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| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>"The two side panels 12 thus separate the scrotum 14 from contacting the inner thighs and legs of the user, such separation extending from the waistband 22 to the perineum area 24 which extends under the buttocks of user." (3:64-67)</p> <p>"Viewed from the exterior of the pouch from compartment 18 appears bordered laterally by a pair of opposed facing curved (for example convex shaped) seams 26a bordered at the upper end 18c by waistband 22 and at the lower, rearmost end 18d by perineum area 24 adjacent the posterior perineum." (5:8-12)</p> <p>"The sides of the exterior of pouch compartment 18 are defined by parallel seams 26a which track from the waistband 22 to the perineum area 24." (5:18-20)</p> <p>"The garment of claim 2 wherein said side panels extend substantially up to said waistband." (claim 9)</p> <p>"The garment of claim 9 wherein said pouch extends between said side panels substantially up to said waistband." (claim 10)</p> <p>"The garment of claim 1 wherein said side panels extend upwards so as to contact said waistband." (claim 11)</p> |

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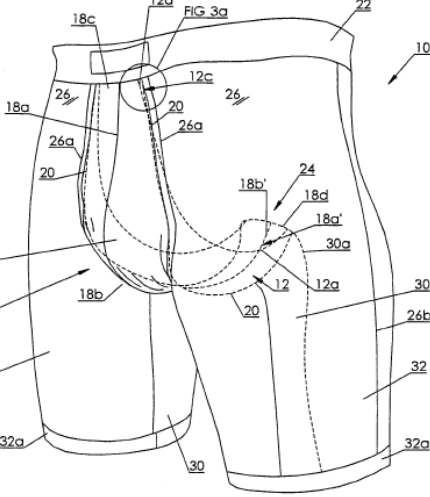
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| |  <p style="text-align: center;">FIG 3</p> |
| <p>[1.3] a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for</p> | <p>WO 01/37687 discloses a stretch panel attached to the body inside the front portion. <i>See, e.g.,</i></p> |

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| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;</p> | <div data-bbox="537 274 1476 844"> <p>The diagram shows a front view of a men's underwear front panel. It features a central opening (2) with a rounded bottom edge. The opening is flanked by side edges (5) that are spaced apart. The top edge (3) is attached to the body. The bottom edge (4) is also attached to the body. The side edges (5) are attached to the body at side seams (1). A stretch panel (6) is shown as a separate piece of material, with a red arrow pointing to it from a label 'Stretch panel'.</p> </div> <p>“The invention relates to a hygienic elastic garment for men’s underwear, which forms part and is sewn to classic underpants.” Abstract.</p> <p>“the garment is sewn to the inner front part of the underpants” Abstract.</p> <p>WO 01/37687 discloses a stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals. <i>See, e.g.,</i></p> <p>“elastic garment.” Abstract.</p> |

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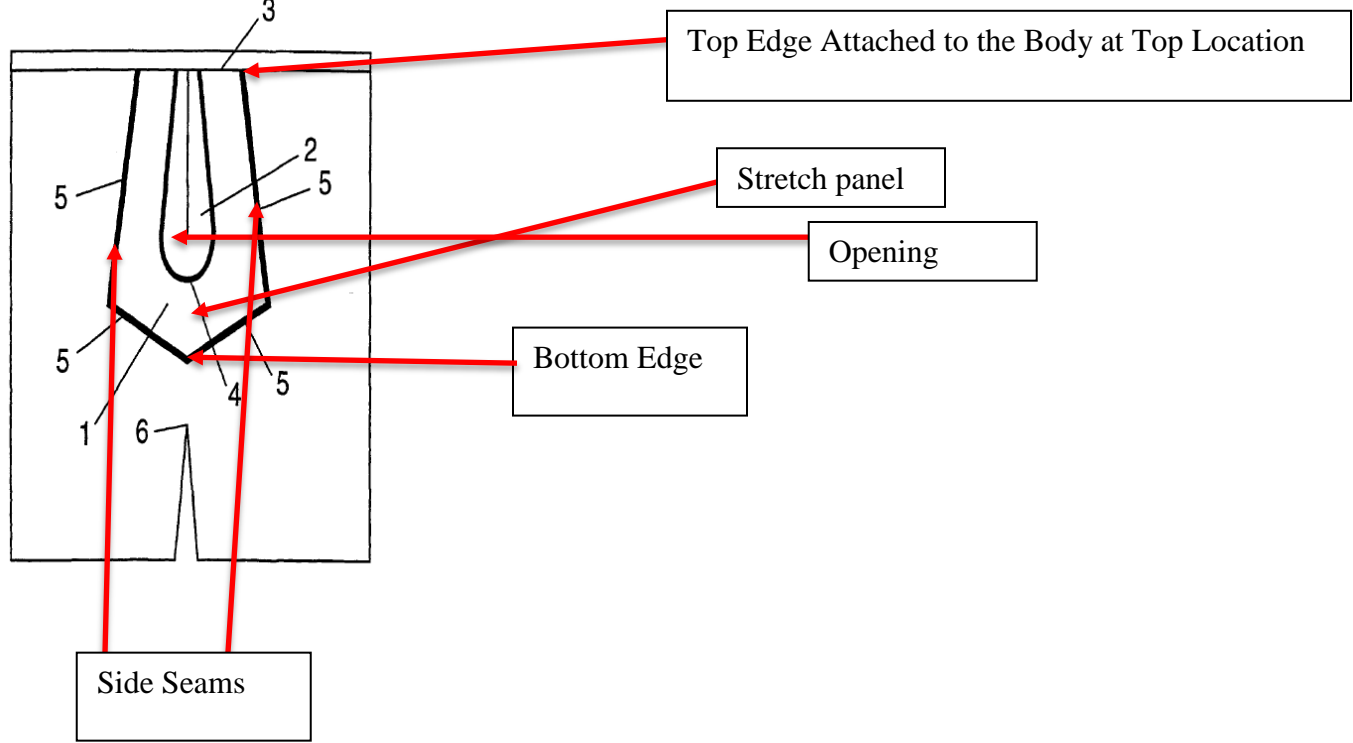
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>The diagram shows a front view of a pair of underwear. A central opening (2) is defined by a rounded bottom edge (4) and side edges (5) that are spaced apart. A stretch panel (3) is located at the top of the opening. The top edge (1) is attached to the body at a top location. Side seams (6) are shown on either side of the opening. Red arrows point from text boxes to these features: 'Top Edge Attached to the Body at Top Location' points to the top edge (1); 'Stretch panel' points to the top of the opening (3); 'Opening' points to the central opening (2); 'Bottom Edge' points to the rounded bottom edge (4); and 'Side Seams' points to the side seams (6).</p> <p>WO 01/37687 discloses an opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See, e.g.,</i></p> |

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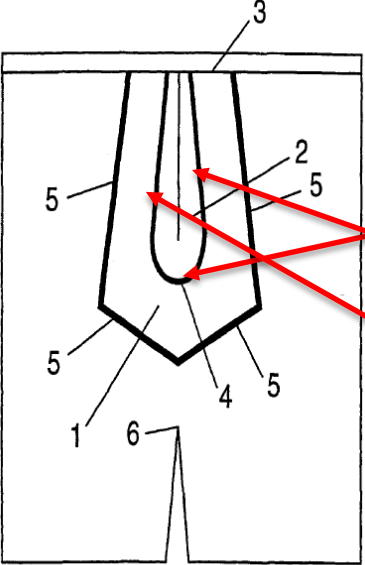
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="1220 415 1738 475">Rounded Bottom Edge of Opening</p> <p data-bbox="1148 667 1388 802">Opposing Side Edges</p> <p data-bbox="527 889 1155 922">“It has a tear-shaped vertical opening.” Abstract.</p> <p data-bbox="527 963 1623 995">“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p data-bbox="527 1036 1890 1360">To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening, one of ordinary skill in the art would, based on one's knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> |

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| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>The '571 Patent discloses a stretch panel attached to the body inside the front portion having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See e.g.</i>,</p> <p>"An underwear garment for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall." (Abstract)</p> <p>"Angheluta discloses a man's garment, particularly a man's underwear garment, providing a codpiece compartment secured to a front of a trunk panel of the garment. The trunk panel provides an opening for communicating a man's genitals therethrough into the codpiece compartment." (1:50-54)</p> <p>"Further advantageously, the pouch has an inner lining which is smooth and seamless over a central penis-covering portion thereof, and the concavities of the side panels are formed at least in part by folding laterally inwardly and stitching uppermost ends of the side panels so as to fold over an uppermost edge of the side panels. In one embodiment this is done where the side panels extend up to the waistband, and where the pouch also extends between the side panels substantially up to the waistband." (2:49-57)</p> <p>"With reference to the accompanying drawings wherein similar characters of reference denote corresponding parts in each view, a conventional pair of so-called boxer style briefs 10 are modified in the present invention by adding interior side-panels 12, preferably constructed of an elasticized breathable mesh fabric, for the purpose of isolating the genitalia, in particular scrotum 14 and phallus 16 (shown diagrammatically in dotted outline in FIG. 7), into the pouch compartment 18, thereby isolating the genitalia from contacting the inner thighs and legs of the user 8 wearing the briefs." (3:27-37)</p> <p>"As seen in the interior of briefs 10, side panels 12 are formed of two separate and substantially parallel pieces of mesh fabric attached to the laterally spaced apart pouch seams 20." (3:37-40)</p> |

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| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“The side panels 12 form a pair of generally parallel fences which extend upwardly from, and along, seams 20 so as to extend their uppermost edges 12a upwardly substantially completely into the crack or fold between the laterally outer sides of scrotum 14 and the top of the inner thighs, that is, along the fold of skin where the top of the inner thighs join the top of the scrotum along a lower-most aspect of the abdomen of user 8. This joint, where the inner thighs and scrotum join along a fold line, is defined generally by both the shape and the location when worn of the upper-most arcuate edges 12a of side panels 12.” (3:41-51)</p> <p>“The two side panels 12 thus separate the scrotum 14 from contacting the inner thighs and legs of the user, such separation extending from the waistband 22 to the perineum area 24 which extends under the buttocks of user.” (3:64-67)</p> <p>“Those oppositely disposed convexities of course define an opposed facing pair of genitalia-supporting concavities 12b which, because of the flexibility and elasticity of the mesh side panel material, mould to gently conform to the shape of scrotum 14 in particular and allow for resiliently supported relative movement of the scrotum relative to the pubis and perineum 24 of user 8, side panels 12 resiliently cradling and biasing the scrotum back into its naturally resting position symmetrically depending below the pubis and base of the penis 16.” (4:10-19)</p> <p>“As better seen in FIG. 3, in one embodiment the concavities 12b of side panels 12 are formed by folding over inwardly, and stitching with the fold-over in place, the upper ends 12c of side panels 12 where side panels 12 are stitched to the front walls 26 and waistband 22 of brief 10.” (4:19-24)</p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> <p>“The material of the side panels and pouch provide the intended isolating function while improving comfort, airflow, 35 and support for the scrotum. The mesh fabric is light and soft to reduce discomfort and improve feel for the scrotum and phallus while in contact with fabric and garment design in the sensitive groin area including the genitalia.” (4:33-38)</p> |

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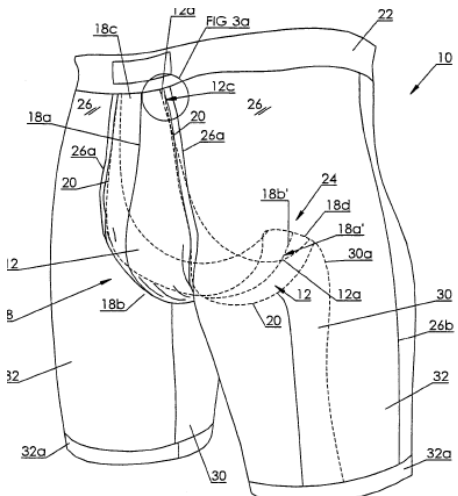
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“The side panels 12 and the interior and exterior layers 18’ and 18” respectively of pouch compartment 18 advantageously may share the interior seams 20 which create the pouch shape that is, seams 20 and 26a are coincident. The cooperation of the side-panels and pouch shape and construction serves to:</p> <ul style="list-style-type: none"> a) further enhance the cradle-like support of the garment through the opposed facing convex shape seam orientation of seams 26a; b) contain the genitalia while inhibiting contact between the fabric and the skin; c) further accentuate the volume and freedom of movement within pouch compartment 18 while inhibiting the genitalia from escaping pouch compartment 18.” (5:31-43)  <p style="text-align: center;">FIG 3</p> |

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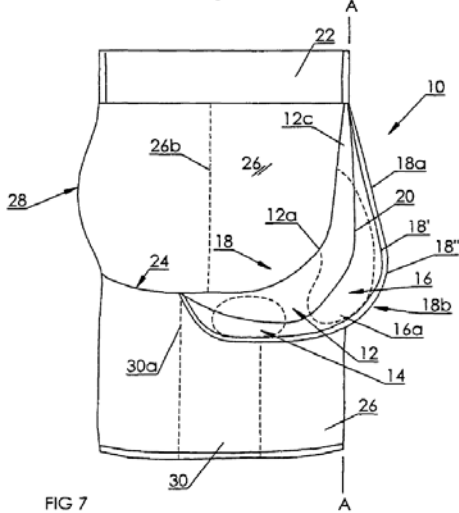
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| |  <p>FIG 7</p> |
| <p>[1.4] the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, the stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front</p> | <p>WO 01/37687 discloses a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. <i>See, e.g.,</i></p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 23 of 57**

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| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn.</p> | <div data-bbox="533 277 1423 789"> </div> <p>"elastic garment." Abstract.</p> <p>"elastic U-shaped garment (one)" Description of the Invention (machine translation).</p> <p>WO 01/37687 discloses a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams. <i>See, e.g.,</i></p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 24 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

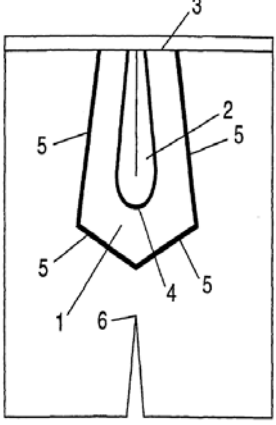
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>The front portion of WO 01/37687 defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer's genitals.</p> <p>"By introducing the testicles through said opening, the base of said opening is located between the testicles and the groin. The testicles tend to be separated towards the front due to the fact that the garment is sewn to the inner front part of the underpants, thereby reducing contact and direct friction between the testicles and the groin." Abstract.</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn, one of ordinary skill in the art would, based on one's knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 25 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>The ’571 Patent discloses the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> <p>“Those oppositely disposed convexities of course define an opposed facing pair of genitalia-supporting concavities 12b which, because of the flexibility and elasticity of the mesh side panel material, mould to gently conform to the shape of scrotum 14 in particular and allow for resiliently supported relative movement of the scrotum relative to the pubis and perineum 24 of user 8, side panels 12 resiliently cradling and biasing the scrotum back into its naturally resting position symmetrically depending below the pubis and base of the penis 16.” (4:10-19)</p> <p>“The side panels 12 and the interior and exterior layers 18’ and 18” respectively of pouch compartment 18 advantageously may share the interior seams 20 which create the pouch shape that is, seams 20 and 26a are coincident. The cooperation of the side-panels and pouch shape and construction serves to:</p> <ul style="list-style-type: none"> a) further enhance the cradle-like support of the garment through the opposed facing convex shape seam orientation of seams 26a; b) contain the genitalia while inhibiting contact between the fabric and the skin; c) further accentuate the volume and freedom of movement within pouch compartment 18 while inhibiting the genitalia from escaping pouch compartment 18.” (5:31-43) |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 26 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

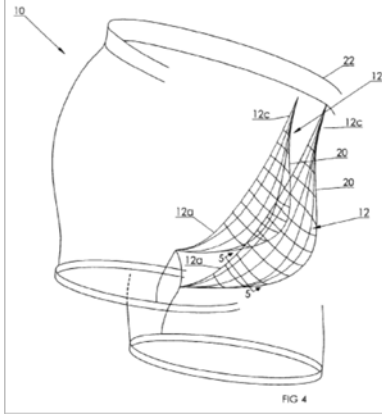
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>FIG 4</p> <p>Alternatively, one of ordinary skill in the art would understand how to make a garment wherein the front portion is gathered from side-to-side and top-to-bottom by the stretch panel, wherein the stretch panel has a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams. For example, EP O 476 818 teaches a method of gathering from side-to-side and top-to-bottom by an elastic fabric. <i>See, e.g.,</i></p> <p>“The garment now has a waist opening 31 and in accordance with the present invention, an elasticated band 32 is secured in face to face contact to a marginal portion 33 of the garment surrounding the waist opening 31. The band 32 is secured to the garment whilst in a tensioned condition (i.e. stretched condition) so that on relaxation, the fabric of the marginal portion 33 is ruched thereby enabling the band to stretch when the garment is being worn.” (4:4-12)</p> <p>“The operative inserts the garment over the band, drops the presser foot 56, sews a pre-set number of stitches, typically two or three, after which the roller 59 drops automatically, and the metering device 62 automatically reverses to apply the pre-programmed tension to the band so that the ruched effect can be achieved.” (6:47-53)</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 27 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 2 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[2] A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See, e.g.,</i></p> <p>“elastic garment.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p>To the extent Plaintiffs contend WO 01/37687, alone or in combination with the ’571 Patent, does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’369 Patent discloses asymmetrical stretch characteristics of a fabric such that it stretches more easily in one direction and less easily in a direction at right angles to the first direction. <i>See, e.g.,</i></p> <p>“With reference to FIG. 3, the warp knit is generally known in the art for having strands 26 running substantially parallel along a direction 27 of the fabric. Lateral threads 28 running substantially perpendicular to the strands 26 and in a direction 29 encircle sets of two strands 26 at once. Each adjacent lateral thread 28 encircles one of the two strands 26 in the first set and one of the two strands 26 from the second set. This pattern is repeated throughout. The warp knit, by virtue of having parallel strands 26 along the direction 27 of the fabric, is resistant to stretch in the direction 27 when compared to other knitted fabrics, which may undesirably stretch. Thus, the warp knit fabric stretches less along the direction 27 than along the direction 29.” (2:40-52)</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 28 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“The warp knit fabric used to form the groin portion 14 can stretch a relatively greater amount in the horizontal direction, roughly parallel to the waistband, than in the vertical direction. The ability to stretch in the horizontal direction allows for the accommodation of different sizes and shapes of male genitals. The groin portion stretches in the horizontal direction to accommodate the genitals of the supporter user while maintaining slight pressure on the genitals in the horizontal direction, thus aiding the cupping and compression functions of the supporter 10.” (3:1-10)</p> <div data-bbox="533 542 1184 1198"> <p>FIG. 3</p> </div> <p>The '874 Publication discloses a stretch panel [rear panel 114] that has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See e.g.</i>, [0022 and 0024].</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 29 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>[0022] “In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable.”</p> <p>[0024] “The rear panel 114 is also comprised of the fabric 108.”</p> |

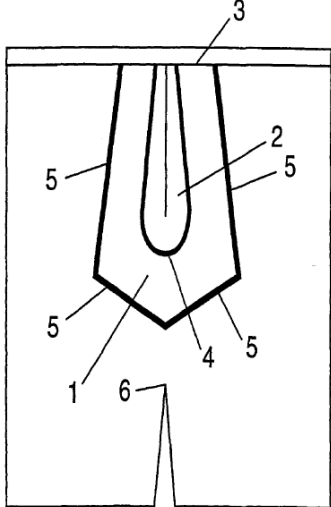
| Claim 3 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[3] A garment according to claim 1 wherein the stretch panel is rectangular and the opening is U-shaped.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a garment wherein the stretch panel has a rectangular shape and the opening is U-shaped. <i>See, e.g.,</i></p>  <p>“It has a tear-shaped vertical opening.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 30 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

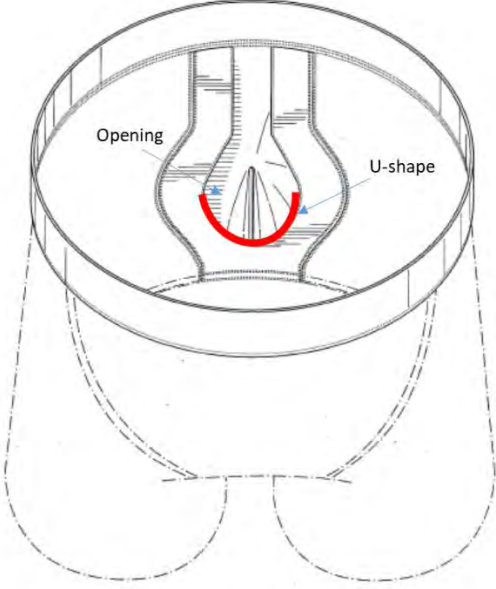
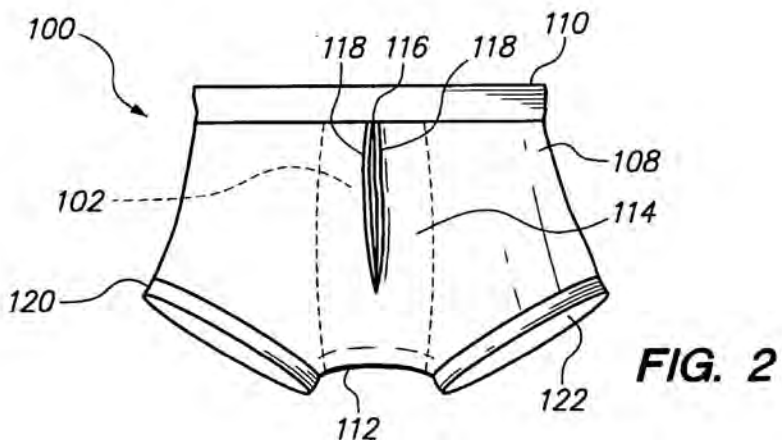
| Claim 3 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>To the extent Plaintiffs contend WO 01/37687, alone or in combination with the ’571 Patent, does not expressly, implicitly, or inherently disclose a rectangular stretch panel, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’058 Design discloses the opening is U-shaped. <i>See e.g.</i>,</p>  <p style="text-align: center;">FIG. 2</p> <p>The ’874 Publication discloses a stretch panel [rear panel 114] that has a rectangular shape. <i>See e.g.</i>,</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 31 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 3 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  |

| Claim 4 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[4] A garment according to claim 3 wherein the stretch panel comprises a fabric having a stretch of at least 30%.</p> | <p>See above regarding claim 3.</p> <p>WO 01/37687 disclose a stretch panel comprising a fabric having a stretch of at least 30%. <i>See, e.g.</i>, “elastic garment.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p>To the extent Plaintiffs contend WO 01/37687, alone or in combination with the ’571 Patent, does not expressly, implicitly, or inherently disclose the stretch panel comprising a fabric having a stretch of at least 30%, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’571 Patent discloses the stretch panel comprising a fabric having a stretch of at least 30%. <i>See, e.g.</i>,</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 32 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

| Claim 4 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>"The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™." (4:25-28)</p> |

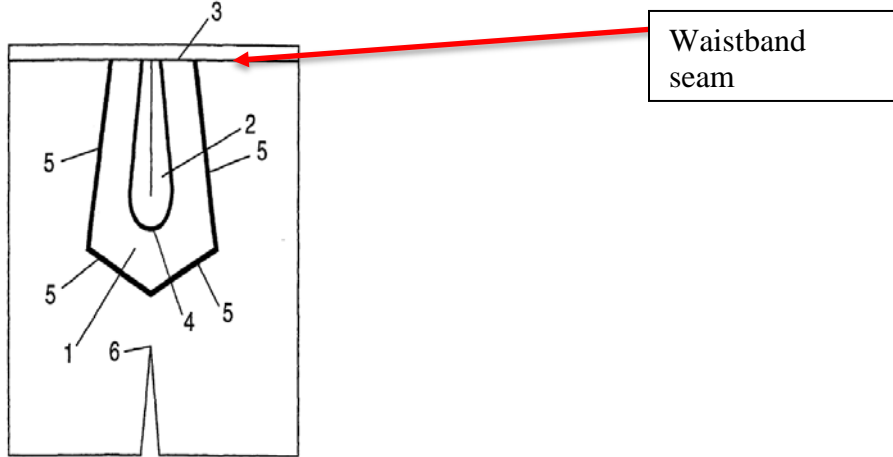
| Claim 5 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[5] A garment according to claim 1 wherein the top location is the waistband seam and the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a garment where the top location is the waistband seam and the bottom location is the first seam. <i>See, e.g.,</i></p>  <p>WO 01/37687 discloses that the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%. <i>See, e.g.,</i></p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 33 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

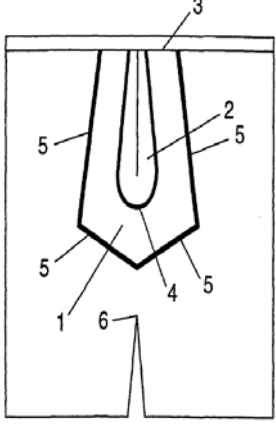
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>“elastic garment.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a garment where the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’571 Patent is a garment where the top location is the waistband seam and the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%. <i>See e.g.,</i></p> <p>“In one embodiment this is done where the side panels extend up to the waistband, and where the pouch also extends between the side panels substantially up to the waistband.” (2:54-57)</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 34 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“The two side panels 12 thus separate the scrotum 14 from contacting the inner thighs and legs of the user, such separation extending from the waistband 22 to the perineum area 24 which extends under the buttocks of user.” (3:64-67)</p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> <p>“Viewed from the exterior of the pouch from compartment 18 appears bordered laterally by a pair of opposed facing curved (for example convex shaped) seams 26a bordered at the upper end 18c by waistband 22 and at the lower, rearmost end 18d by perineum area 24 adjacent the posterior perineum.” (5:8-12)</p> <p>“The sides of the exterior of pouch compartment 18 are defined by parallel seams 26a which track from the waistband 22 to the perineum area 24.” (5:18-20)</p> <p>“The garment of claim 2 wherein said side panels extend substantially up to said waistband.” (claim 9)</p> <p>“The garment of claim 9 wherein said pouch extends between said side panels substantially up to said waistband.” (claim 10)</p> <p>“The garment of claim 1 wherein said side panels extend upwards so as to contact said waistband.” (claim 11)</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 35 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

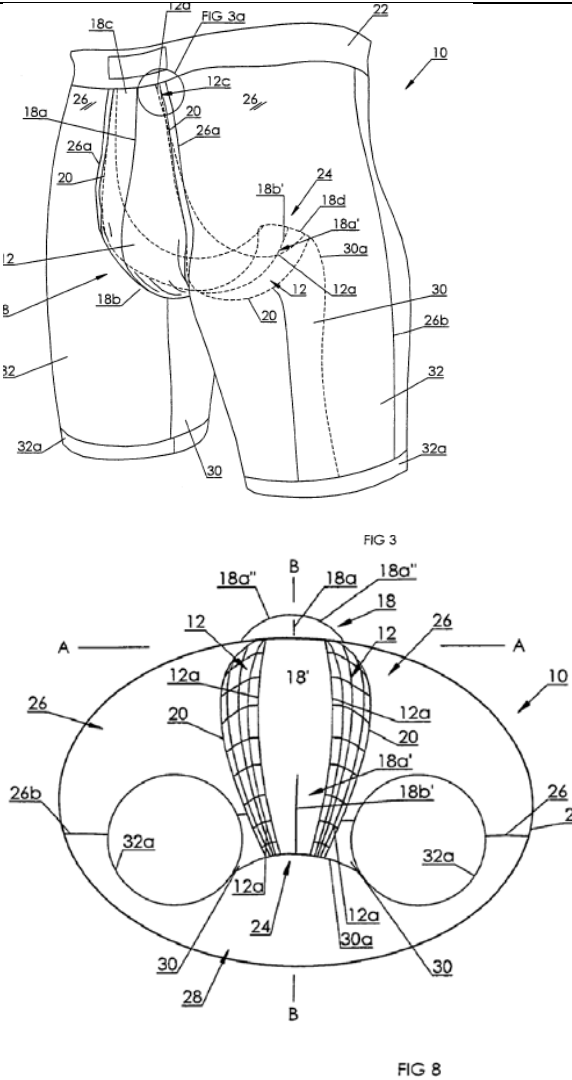
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The figure contains two diagrams, FIG 3a and FIG 8, illustrating a garment (10) with various components labeled with reference numerals.</p> <p>FIG 3a is a perspective view of the garment (10) showing the waistband (22) and side panels (26). The waistband includes a central opening (12) and side openings (18a, 18b, 18c, 18d, 18a', 18b', 18c', 18d'). The side panels (26) include a central opening (12) and side openings (18a, 18b, 18c, 18d, 18a', 18b', 18c', 18d'). The side panels (26) are connected to the waistband (22) by a strap (20). The side panels (26) are also connected to the waistband (22) by a strap (24). The side panels (26) are also connected to the waistband (22) by a strap (30). The side panels (26) are also connected to the waistband (22) by a strap (32). The side panels (26) are also connected to the waistband (22) by a strap (32a).</p> <p>FIG 8 is a top-down view of the garment (10) showing the waistband (22) and side panels (26). The waistband (22) includes a central opening (12) and side openings (18a, 18b, 18c, 18d, 18a', 18b', 18c', 18d'). The side panels (26) include a central opening (12) and side openings (18a, 18b, 18c, 18d, 18a', 18b', 18c', 18d'). The side panels (26) are connected to the waistband (22) by a strap (20). The side panels (26) are also connected to the waistband (22) by a strap (24). The side panels (26) are also connected to the waistband (22) by a strap (30). The side panels (26) are also connected to the waistband (22) by a strap (32). The side panels (26) are also connected to the waistband (22) by a strap (32a).</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 36 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

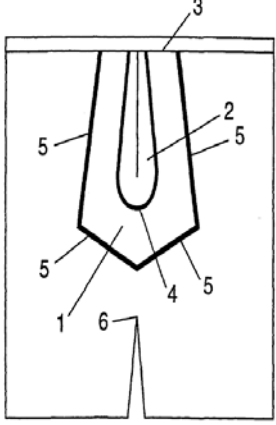
| Claim 6 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[6] A garment according to claim 1 wherein the garment is a pair of undershorts.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a pair of undershorts. <i>See, e.g.,</i></p>  <p>Further, the '571 Patent discloses this limitation. <i>See, e.g.,</i></p> <p>"An underwear garment for use by a male" (Abstract)</p> <p>"UNDERWEAR GARMENT FOR A MALE" (Title)</p> <p>"This invention relates to the field of men's undergarments generally, and in particular to an undergarment having an improved pouch and sidewalls for supporting genitalia and decreasing irritation due to skin-to-skin friction and chaffing." (1:12-15)</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 37 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

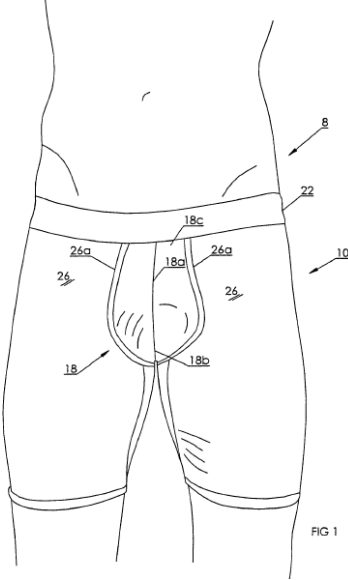
| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 38 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

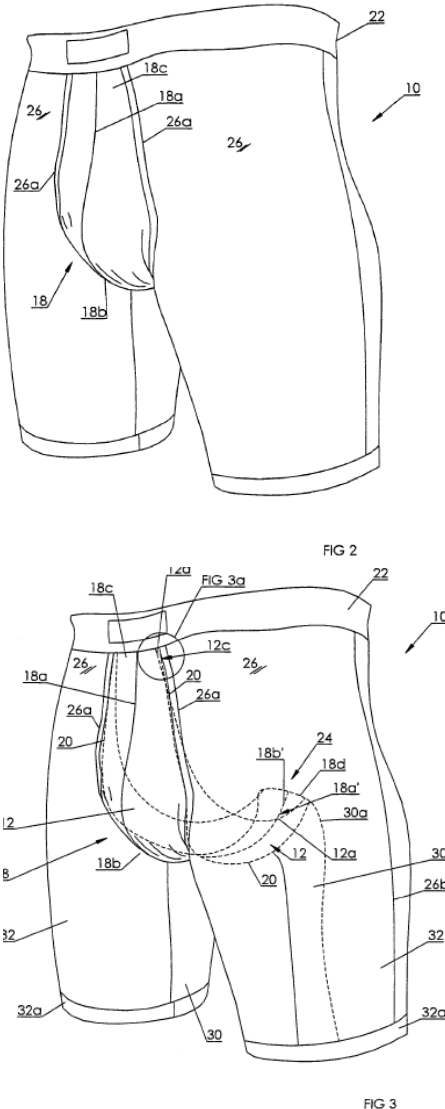
| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>FIG 2</p> <p>FIG 3</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 39 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

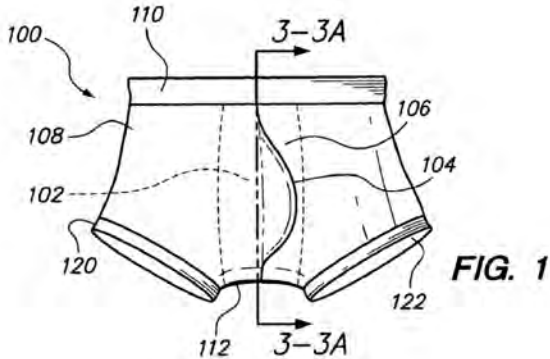
| Claim 6 | Exemplary Disclosure in Prior Art |
|--|--|
| | <p>The '874 Publication discloses a garment that is a pair of undershorts [boxer-brief type underwear 100]. <i>See e.g.</i>, FIG. 1.</p>  <p style="text-align: right;">FIG. 1</p> |
| Claim 7 | Exemplary Disclosure in Prior Art |
| <p>[7] A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.</i>, “The invention relates to a hygienic for men’s underwear, which forms part and is sewn to .” Abstract.</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify WO 01/37687 in view of one or more prior art references to meet this limitation.</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 40 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 7 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>The ’571 Patent discloses the stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™. Pouch 18 may be of a material containing 82% polyester and 18% Spandex™. In one embodiment, the balance of brief 10 is of the same material, however in an alternative embodiment, the balance of brief 10 is made of a 92% cotton, 8% Spandex™ fabric.” (4:25-33)</p> |

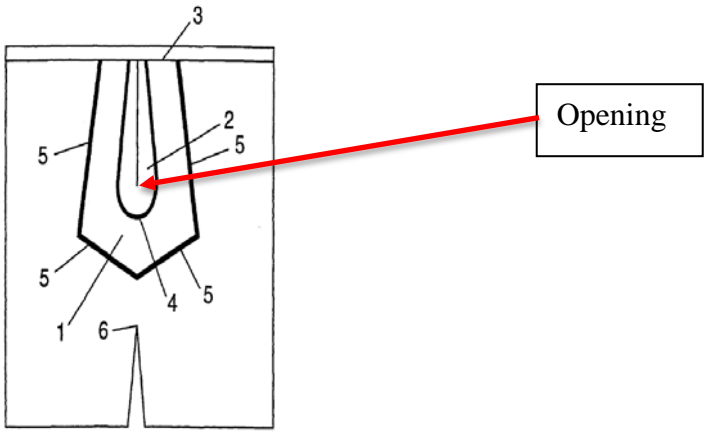
| Claim 8 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[8] A garment according to claim 1 wherein the opening has a width in excess of 2 cm.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses an opening with a width in excess of 2 cm. <i>See, e.g.,</i></p>  <p>“By introducing the testicles through said opening...” Abstract.</p> <p>Furthermore, the ’571 Patent discloses this limitation. <i>See, e.g.,</i></p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 41 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“Angheluta discloses a man's garment, particularly a man's underwear garment, providing a codpiece compartment secured to a front of a trunk panel of the garment. The trunk panel provides an opening for communicating a man's genitals therethrough into the codpiece compartment.” (1:50-54)</p> <p>“Further advantageously, the pouch has an inner lining which is smooth and seamless over a central penis-covering portion thereof, and the concavities of the side panels are formed at least in part by folding laterally inwardly and stitching uppermost ends of the side panels so as to fold over an uppermost edge of the side panels. In one embodiment this is done where the side panels extend up to the waistband, and where the pouch also extends between the side panels substantially up to the waistband.” (2:49-57)</p> <p>“With reference to the accompanying drawings wherein similar characters of reference denote corresponding parts in each view, a conventional pair of so-called boxer style briefs 10 are modified in the present invention by adding interior side-panels 12, preferably constructed of an elasticized breathable mesh fabric, for the purpose of isolating the genitalia, in particular scrotum 14 and phallus 16 (shown diagrammatically in dotted outline in FIG. 7), into the pouch compartment 18, thereby isolating the genitalia from contacting the inner thighs and legs of the user 8 wearing the briefs.” (3:27-37)</p> <p>“As seen in the interior of briefs 10, side panels 12 are formed of two separate and substantially parallel pieces of mesh fabric attached to the laterally spaced apart pouch seams 20.” (3:37-40)</p> <p>“The side panels 12 form a pair of generally parallel fences which extend upwardly from, and along, seams 20 so as to extend their uppermost edges 12a upwardly substantially completely into the crack or fold between the laterally outer sides of scrotum 14 and the top of the inner thighs, that is, along the fold of skin where the top of the inner thighs join the top of the scrotum along a lower-most aspect of the abdomen of user 8. This joint, where the inner thighs and scrotum join along a fold line, is defined generally by both the shape and the location when worn of the upper-most arcuate edges 12a of side panels 12.” (3:41-51)</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 42 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“The two side panels 12 thus separate the scrotum 14 from contacting the inner thighs and legs of the user, such separation extending from the waistband 22 to the perineum area 24 which extends under the buttocks of user.” (3:64-67)</p> <p>“Those oppositely disposed convexities of course define an opposed facing pair of genitalia-supporting concavities 12b which, because of the flexibility and elasticity of the mesh side panel material, mould to gently conform to the shape of scrotum 14 in particular and allow for resiliently supported relative movement of the scrotum relative to the pubis and perineum 24 of user 8, side panels 12 resiliently cradling and biasing the scrotum back into its naturally resting position symmetrically depending below the pubis and base of the penis 16.” (4:10-19)</p> <p>“As better seen in FIG. 3, in one embodiment the concavities 12b of side panels 12 are formed by folding over inwardly, and stitching with the fold-over in place, the upper ends 12c of side panels 12 where side panels 12 are stitched to the front walls 26 and waistband 22 of brief 10.” (4:19-24)</p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> <p>“The material of the side panels and pouch provide the intended isolating function while improving comfort, airflow, and support for the scrotum. The mesh fabric is light and soft to reduce discomfort and improve feel for the scrotum and phallus while in contact with fabric and garment design in the sensitive groin area including the genitalia.” (4:33-38)</p> <p>“The side panels 12 and the interior and exterior layers 18’ and 18” respectively of pouch compartment 18 advantageously may share the interior seams 20 which create the pouch shape that is, seams 20 and 26a are coincident. The cooperation of the side-panels and pouch shape and construction serves to:</p> <ul style="list-style-type: none"> a) further enhance the cradle-like support of the garment through the opposed facing convex shape seam orientation of seams 26a; b) contain the genitalia while inhibiting contact between the fabric and the skin; |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 43 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

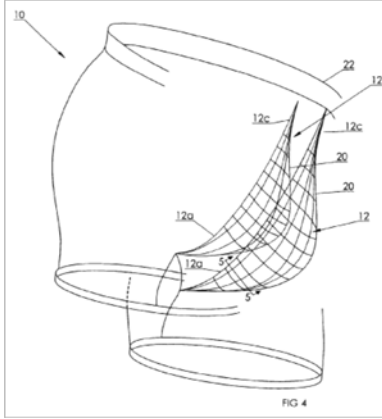
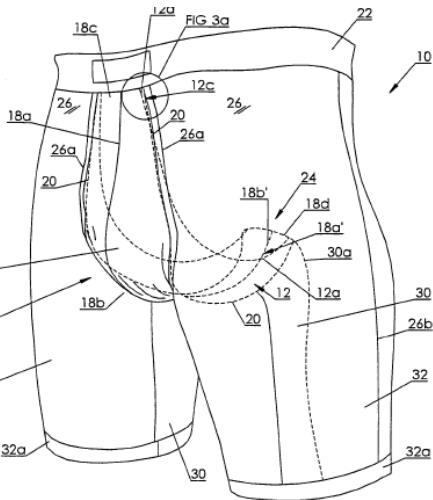
| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>c) further accentuate the volume and freedom of movement within pouch compartment 18 while inhibiting the genitalia from escaping pouch compartment 18." (5:31-43)</p>  <p>FIG 4</p>  <p>FIG 3</p> |

Exhibit E-1

Invalidity of U.S. Patent No. 10,034,496

Page 44 of 57

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| | |
|-----------------------|---|
| <p>Claim 8</p> | <p>Exemplary Disclosure in Prior Art</p> |
| | <p>FIG 7</p> <p>FIG 8</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 45 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

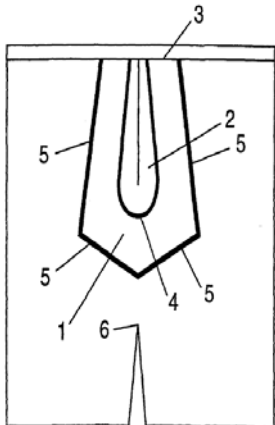
| Claim 9 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[9] A garment according to claim 1 wherein: the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p>  <p>"It has a tear-shaped vertical opening ." Abstract.</p> <p>"By introducing the testicles through said opening, the base of said opening is located between the testicles and the groin." Abstract.</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch, one of ordinary skill in the art would, based on one's knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 46 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>limitation. Alternatively, one of ordinary skill could modify WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’571 Patent discloses a stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p> <p>“An underwear garment for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall. The pouch may be pear-shaped when viewed from the front. A lower extremity of the pouch extends under and rearwardly of the front wall so as to form a perineum portion for covering rearwardly past the scrotum and to the perineum of the user.” (Abstract)</p> <p>“The present invention provides a solution to the above by addressing the issues of scrotum independence from inner legs, and improved comfort and support.” (2:6-8)</p> <p>“In summary, the underwear garment according to the present invention, and for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in amid-section of a front wall depending from a waistband so as to bisect said front wall.” (2:17-22)</p> <p>“For wearing by a user having a penis, a scrotum, and a perineum an underwear garment comprising: a waistband, and a front wall depending downwardly from the front thereof, a genital pouch formed in a mid-section of said front wall so as to bisect said front wall, said pouch pear-shaped when viewed from the front and having a lower extremity thereof which extends under and rearwardly of said front wall so as to form a perineum portion for covering past the scrotum and to the perineum of the user when worn by the user” (claim 1)</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 47 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

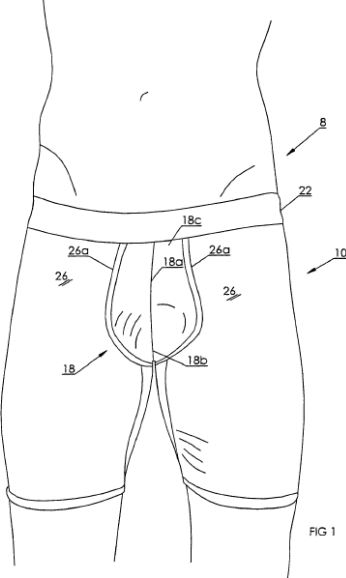
| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 48 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|-----------------------------------|
| | <p>FIG 2</p> <p>FIG 3</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 49 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

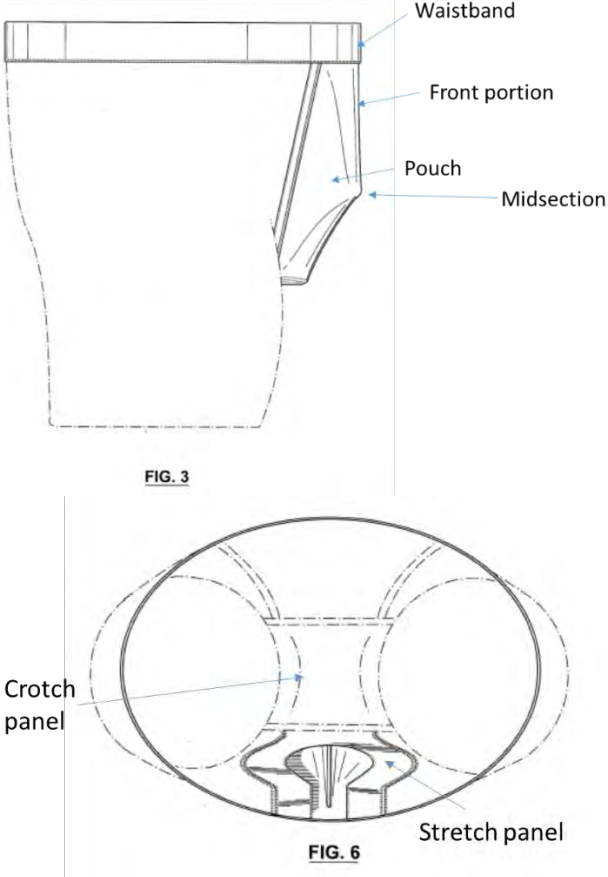
| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>The '058 Design discloses a stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p>  <p>FIG. 3 is a side view of a garment (underwear) showing a waistband, a front portion, a pouch, and a midsection. FIG. 6 is a top-down view of the garment showing a crotch panel and a stretch panel positioned forward of the perineum.</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 50 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 10 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p>“elastic garment.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose elastically resilient four-way stretch material comprised of a spandex blend, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’571 Patent discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> <p>The ’218 Publication discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 51 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

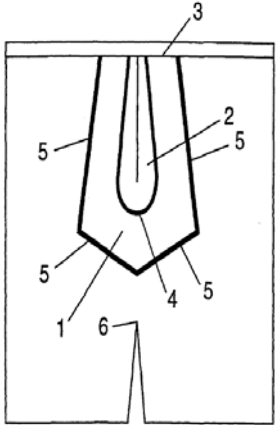
| Claim 13 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[13] A garment according to claim 1 wherein the opening has a U-shape when the stretch panel is in a relaxed state.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses an opening with a U-shape when the stretch panel is in a relaxed state.</p>  <p>“It has a tear-shaped vertical opening .” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> |
| Claim 14 | Exemplary Disclosure in Prior Art |
| <p>[14] A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a stretch panel formed from a single unitary piece of woven fabric. <i>See, e.g.,</i></p> <p>“The invention relates to a hygienic elastic garment for men's underwear.” Abstract.</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 52 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

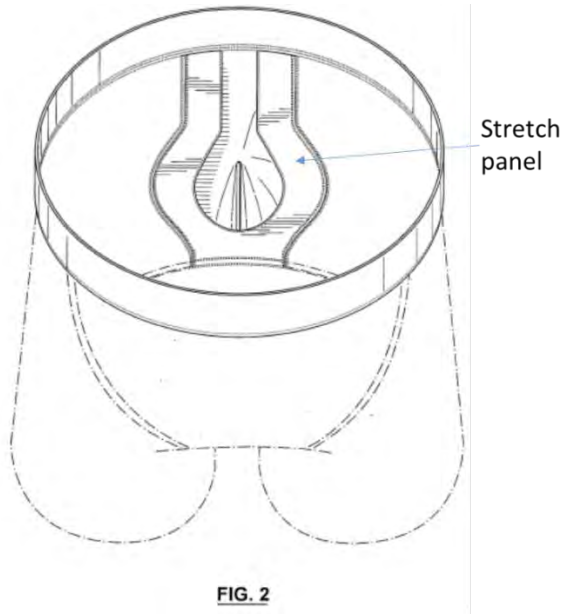
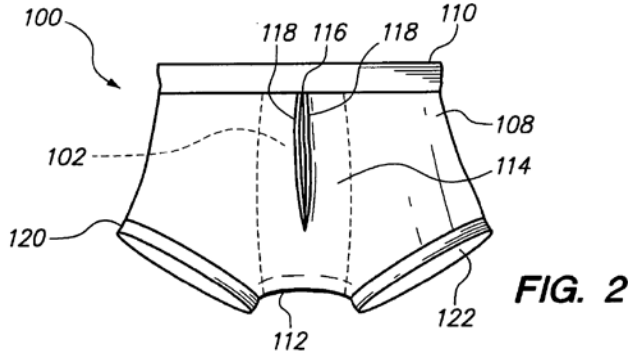
| Claim 14 | Exemplary Disclosure in Prior Art |
|----------|--|
| | <p>To the extent Plaintiffs contend WO 01/37687, alone or in combination with the '571 Patent, does not expressly, implicitly, or inherently disclose a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one's knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The '058 Design discloses a stretch panel formed from a single unitary piece of fabric. <i>See e.g.,</i></p> <div data-bbox="533 565 1089 1175">  <p>FIG. 2</p> </div> <p>The '874 Publication discloses a stretch panel [rear panel 114] formed from a single unitary piece of woven fabric [fabric 108]. <i>See e.g.,</i></p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 53 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 14 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p>FIG. 2</p> <p>[0022] “In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable.”</p> <p>[0024] “The rear panel 114 is also comprised of the fabric 108.”</p> |

| Claim 15 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[15] A garment according to claim 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 includes a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 54 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|--|
| | <div data-bbox="533 280 806 703" data-label="Image"> </div> <p data-bbox="525 735 1890 954">To the extent Plaintiffs contend WO 01/37687, alone or in combination with the '571 Patent, does not expressly, implicitly, or inherently disclose a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer, one of ordinary skill in the art would, based on one's knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p data-bbox="525 992 1839 1101">The '058 Design discloses a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 55 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

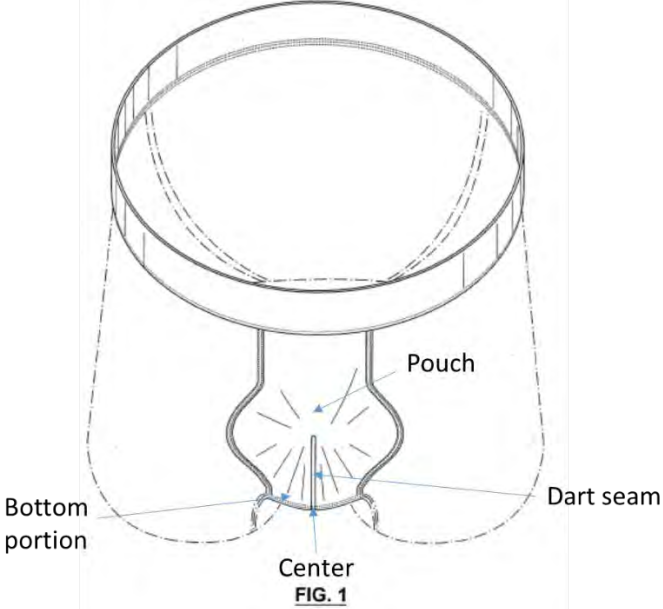
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p data-bbox="541 769 630 829">Bottom portion</p> <p data-bbox="940 630 1014 651">Pouch</p> <p data-bbox="1079 760 1199 781">Dart seam</p> <p data-bbox="814 834 894 883">Center FIG. 1</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 56 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|--|
| | <div data-bbox="535 292 1165 771"> <p>FIG. 3</p> </div> <p>The '218 Publication discloses a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p> <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. . . . Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p> |

Exhibit E-1**Invalidity of U.S. Patent No. 10,034,496****Page 57 of 57**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

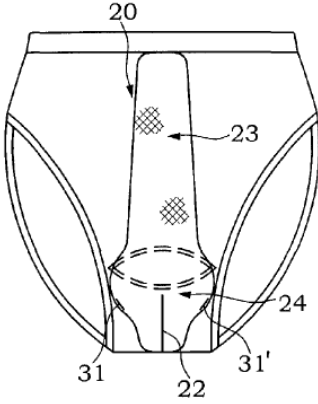
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p data-bbox="674 735 758 776">Fig.3</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 1 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

Upon information and belief, the disclosure of WO 01/37687 A1 (Published May 31, 2001) renders the asserted claims of U.S. Patent No. 9,687,030 obvious under 35 U.S.C. § 103 in view of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”), and alternatively in further view of U.S. Patent Publication 2009/0106874 (published April 30, 2009) (“874 Publication”), U.S. Patent 7,631,369 (issued Dec. 15, 2009; published as US 2007/0220660 on Sept. 27, 2007) (the “369 Patent”), International Publication No. WO 98/39981 (published Sept. 17, 1998) (“WO 98/39981”), U.S. Publication No. 2007/0277285 (published Dec. 6, 2007) (the “285 Publication”), European Patent Application No. EP 0 476 818 (published March 25, 1992) (“EP 0 476 818”), Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) (the “058 Design”), and/or U.S. Patent Publication No. 2004/0025218 (published Feb. 12, 2004) (“218 Publication”) as set forth in the chart below.

The following contentions are subject to revision and amendment pursuant to Federal Rule of Civil Procedure 26(e) and the Court Orders in this matter subject to further investigation and discovery regarding the references.

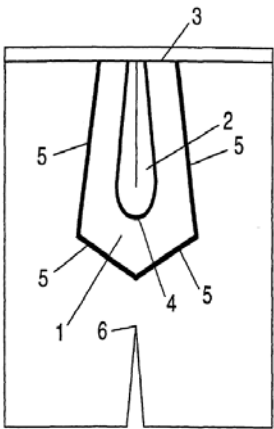
| Claim 1 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[1.pre] 1. A male garment comprising:</p> | <p>WO 01/37687 discloses a male garment. <i>See, e.g.,</i></p>  <p>“The invention relates to a hygienic elastic garment for men’s underwear, which forms part and is sewn to classic underpants.” Abstract.</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 2 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

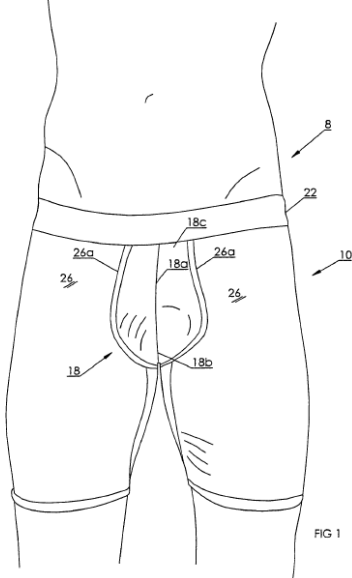
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>Furthermore, the '571 Patent discloses this limitation. <i>See, e.g.,</i></p> <p>"An underwear garment for use by a male" (Abstract)</p> <p>"UNDERWEAR GARMENT FOR A MALE" (Title)</p> <p>"This invention relates to the field of men's undergarments generally, and in particular to an undergarment having an improved pouch and sidewalls for supporting genitalia and decreasing irritation due to skin-to-skin friction and chaffing." (1:12-15)</p>  |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 3 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|-----------------------------------|
| | <p>FIG 2</p> <p>FIG 3</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 4 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[1.1] a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;</p> | <p>WO 01/37687 discloses a body including a front portion and having leg openings for a wearer's legs. <i>See, e.g.,</i></p>  <p>WO 01/37687 discloses a body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 5 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="533 289 806 711" data-label="Image"> </div> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a crotch panel extending between the leg openings and joined to the front portion along a first seam, one of ordinary skill in the art would, based on one's knowledge and WO 01/37687, understand how to modify WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The '571 Patent discloses a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>"An underwear garment for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall." (Abstract)</p> <p>"This invention relates to the field of men's undergarments generally, and in particular to an undergarment having an improved pouch and sidewalls for supporting genitalia and decreasing irritation due to skin-to-skin friction and chaffing." (1:12-15)</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 6 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

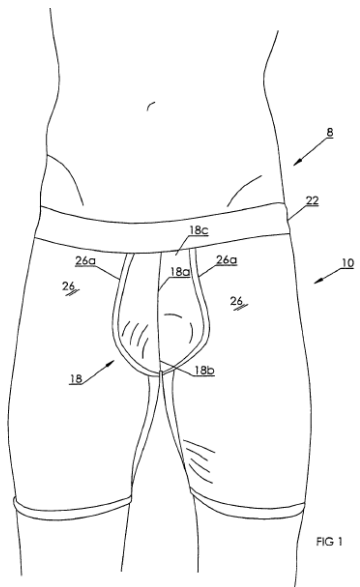
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“Gussets 30 extend laterally from the rearmost end of pouch compartment 18, where they share a common seam 30a and extend laterally down the oppositely disposed legs 32 so as to terminate at legbands 32a, it being understood that the length of gussets 30 will of course depend on the length of legs 32.” (5:56-61)</p> <p>“a waistband, and a front wall depending downwardly from the front thereof” (claim 1)</p>  <p>FIG 1</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 7 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

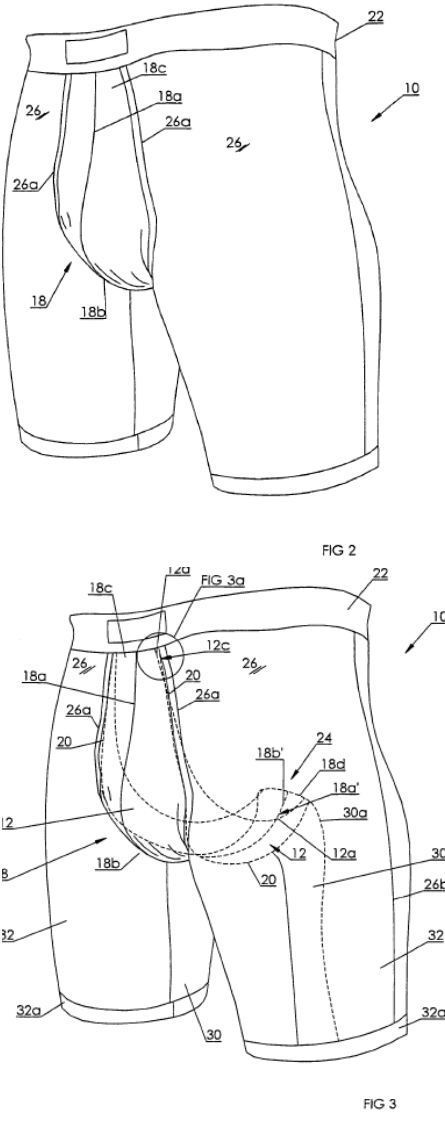
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>FIG 2</p> <p>FIG 3</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 8 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

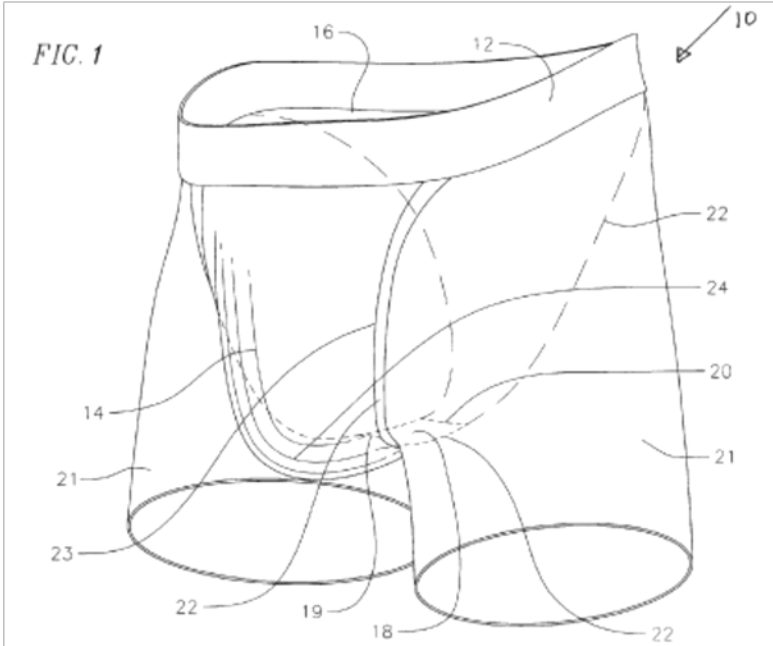
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>Furthermore, the '369 Patent discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>"The stability anchor 18 connects the groin portion 14 to the back portion 16 by extending from the groin portion 14 to the back portion 16 while laterally following the contour of the inner thigh portions of the leg portions 20 and being connected to the leg portions 20." (3:20-24)</p>  |

Exhibit E-2

Invalidity of U.S. Patent No. 9,687,030

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

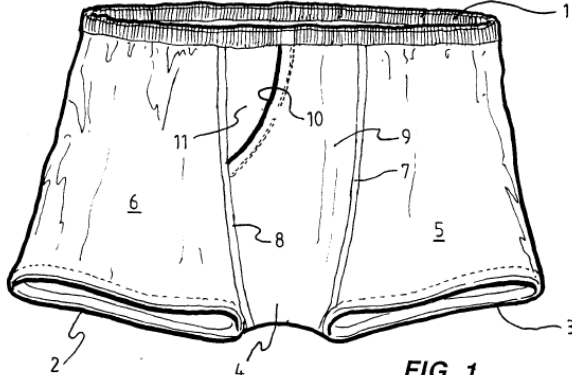
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>Furthermore, WO 98/39981 discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>"The style of the underpants providing an outer garment are conventional boxer shorts which is a style known and found to be very comfortable for normal usage. In accord with this embodiment there are full legs 2 and 3, and a joining panel 4 which is joined to leg panels 5 and 6 by seams 7 and 8. Seams 7 and 8 support a front panel 9 which is openable along the join at 10 and there is a back panel 11 behind this the joining edge of which is shown for instance in FIG 2 at 12 so that for normal purposes of relief, the penis can be manoeuvred between the several panels." (3:22-4:4)</p>  <p style="text-align: center;">FIG. 1</p> |

Exhibit E-2

Invalidity of U.S. Patent No. 9,687,030

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

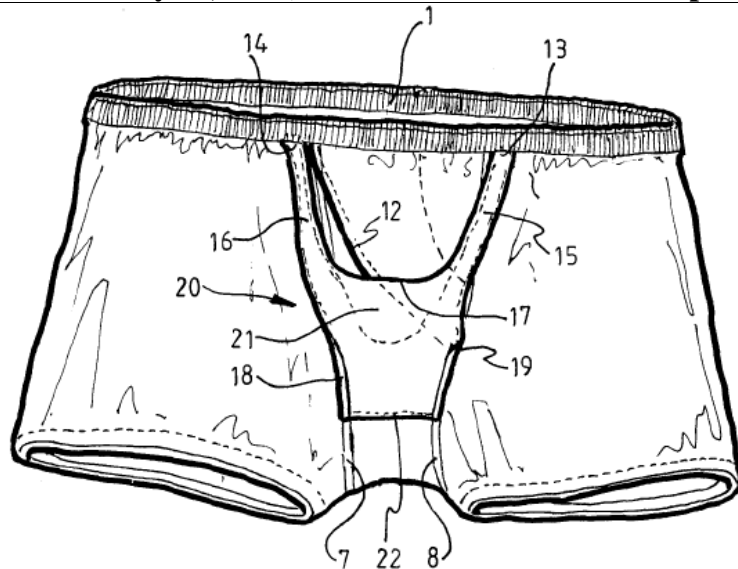


FIG. 2

Exhibit E-2

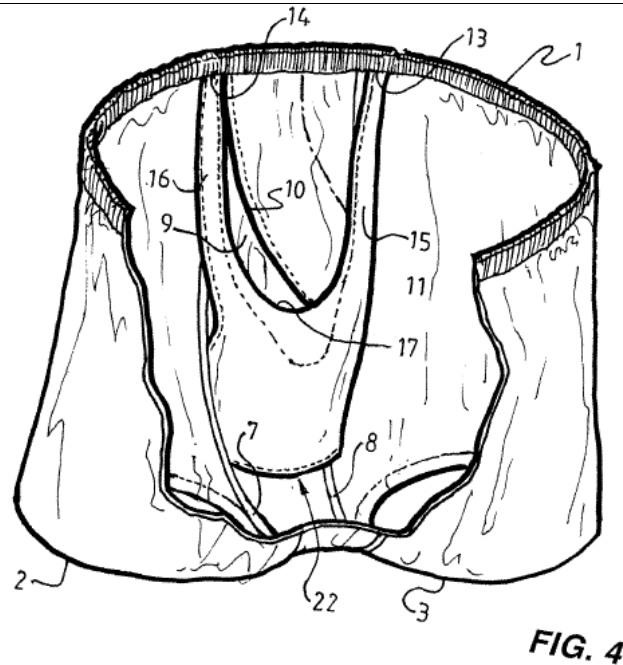
Invalidity of U.S. Patent No. 9,687,030

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

Claim 1

Exemplary Disclosure in Prior Art



Furthermore, the '285 Publication discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. *See, e.g.,*

"[0028] FIG. 7 shows is a frontal perspective view of a second, alternative embodiment of the multipurpose undergarment in accordance with the invention. In this embodiment, the undergarment shown generally at 70 again includes front leg portions 71 and 72 with corresponding leg openings 78a and 78b and includes a conventional front opening (fly) 73 secured by stitching to the front panel as shown at 75."

"[0029] Not unlike the embodiment depicted in FIG. 1, the top edge of the pouch as shown in FIG. 7 can be secured to the interior of the undergarment along the elastic waste band (shown generally at 79). The

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 12 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

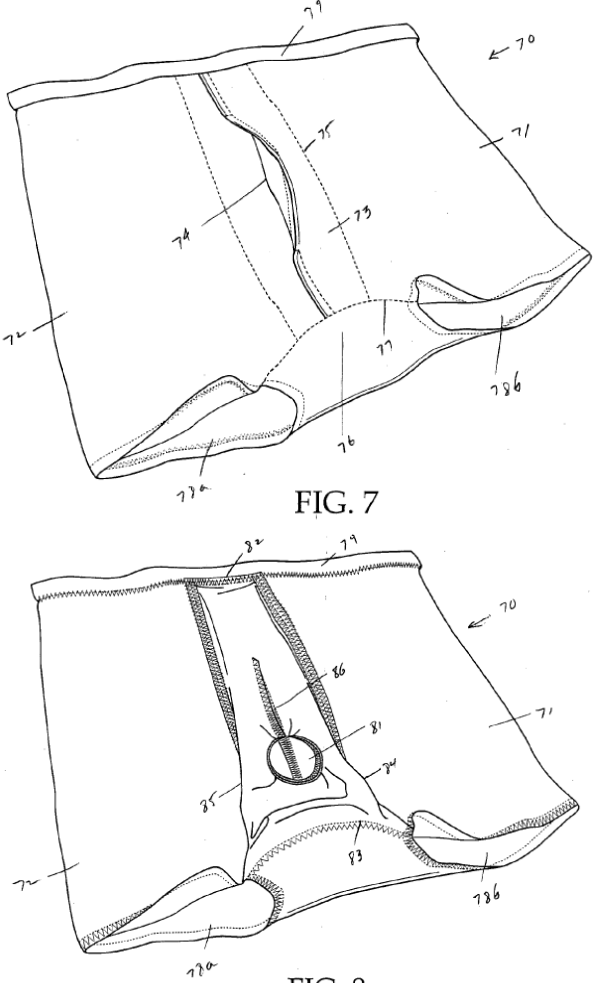
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>bottom edge can likewise be secured along the bottom portion 76 of the undergarment as shown along line 77."</p>  <p>FIG. 7 is a perspective view of an undergarment 70, such as a pair of briefs, showing a front panel 71 and a back panel 72. A closure mechanism is shown along the bottom edge 76, including a strap 74, a buckle 75, and a strap 73. A dashed line 77 indicates a line of attachment or stitching. A small detail 786 is shown at the bottom right corner.</p> <p>FIG. 8 is a perspective view of the same undergarment 70, showing a different closure mechanism. It includes a strap 82, a buckle 86, and a strap 81. A dashed line 83 indicates a line of attachment or stitching. A small detail 85 is shown at the bottom left corner. The bottom edge 76 and corner detail 786 are also visible.</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 13 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

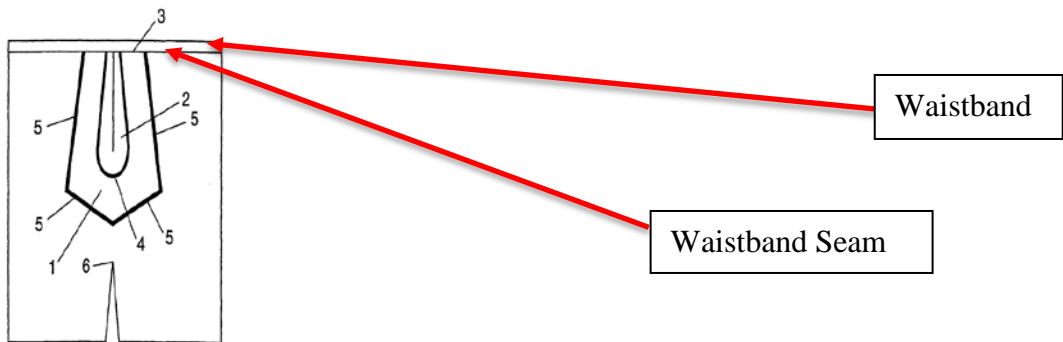
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| | <p>During prosecution of U.S. Pat. No. 9,687,030, the Applicant did not dispute that the ’285 Publication meets this element. (See Amendment, July 8, 2014, pages 6-7.)</p> |
| <p>[1.2] a waistband attached by a waistband seam at an upper edge of the body;</p> | <p>WO 01/37687 discloses a waistband attached by a waistband seam at an upper edge of the body. <i>See, e.g.,</i></p> <div data-bbox="592 539 1648 878">  <p>The diagram shows a front view of a male underwear garment. A waistband is at the top, labeled with '3'. A waistband seam is shown where the waistband is attached to the body of the garment, labeled with '2'. The body of the garment includes a central pouch and side panels, labeled with '1', '4', '5', and '6'. Red arrows point from the labels 'Waistband' and 'Waistband Seam' to their respective parts in the diagram.</p> </div> <p>Furthermore, the ’571 Patent discloses this limitation. <i>See, e.g.,</i></p> <p>“An underwear garment for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall.” (Abstract)</p> <p>“In summary, the underwear garment according to the present invention, and for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in amid-section of a front wall depending from a waistband so as to bisect said front wall.” (2:17-22)</p> <p>“In one embodiment this is done where the side panels extend up to the waistband, and where the pouch also extends between the side panels substantially up to the waistband.” (2:54-57)</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 14 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>“The two side panels 12 thus separate the scrotum 14 from contacting the inner thighs and legs of the user, such separation extending from the waistband 22 to the perineum area 24 which extends under the buttocks of user.” (3:64-67)</p> <p>“Viewed from the exterior of the pouch from compartment 18 appears bordered laterally by a pair of opposed facing curved (for example convex shaped) seams 26a bordered at the upper end 18c by waistband 22 and at the lower, rearmost end 18d by perineum area 24 adjacent the posterior perineum.” (5:8-12)</p> <p>“The sides of the exterior of pouch compartment 18 are defined by parallel seams 26a which track from the waistband 22 to the perineum area 24.” (5:18-20)</p> <p>“The garment of claim 2 wherein said side panels extend substantially up to said waistband.” (claim 9)</p> <p>“The garment of claim 9 wherein said pouch extends between said side panels substantially up to said waistband.” (claim 10)</p> <p>“The garment of claim 1 wherein said side panels extend upwards so as to contact said waistband.” (claim 11)</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 15 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

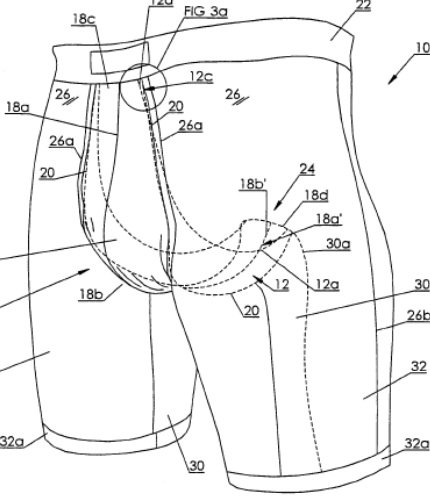
| Claim 1 | Exemplary Disclosure in Prior Art |
|---|---|
| |  <p style="text-align: center;">FIG. 3</p> |
| <p>[1.3] a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to</p> | <p>WO 01/37687 discloses a stretch panel attached to the body inside the front portion. <i>See, e.g.,</i></p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 16 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>the waistband seam and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;</p> | <div data-bbox="533 277 1482 844"> </div> <p>“The invention relates to a hygienic elastic garment for men’s underwear, which forms part and is sewn to classic underpants.” Abstract.</p> <p>“the garment is sewn to the inner front part of the underpants” Abstract.</p> <p>WO 01/37687 discloses a stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals. <i>See, e.g.,</i></p> <p>“elastic garment.” Abstract.</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 17 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

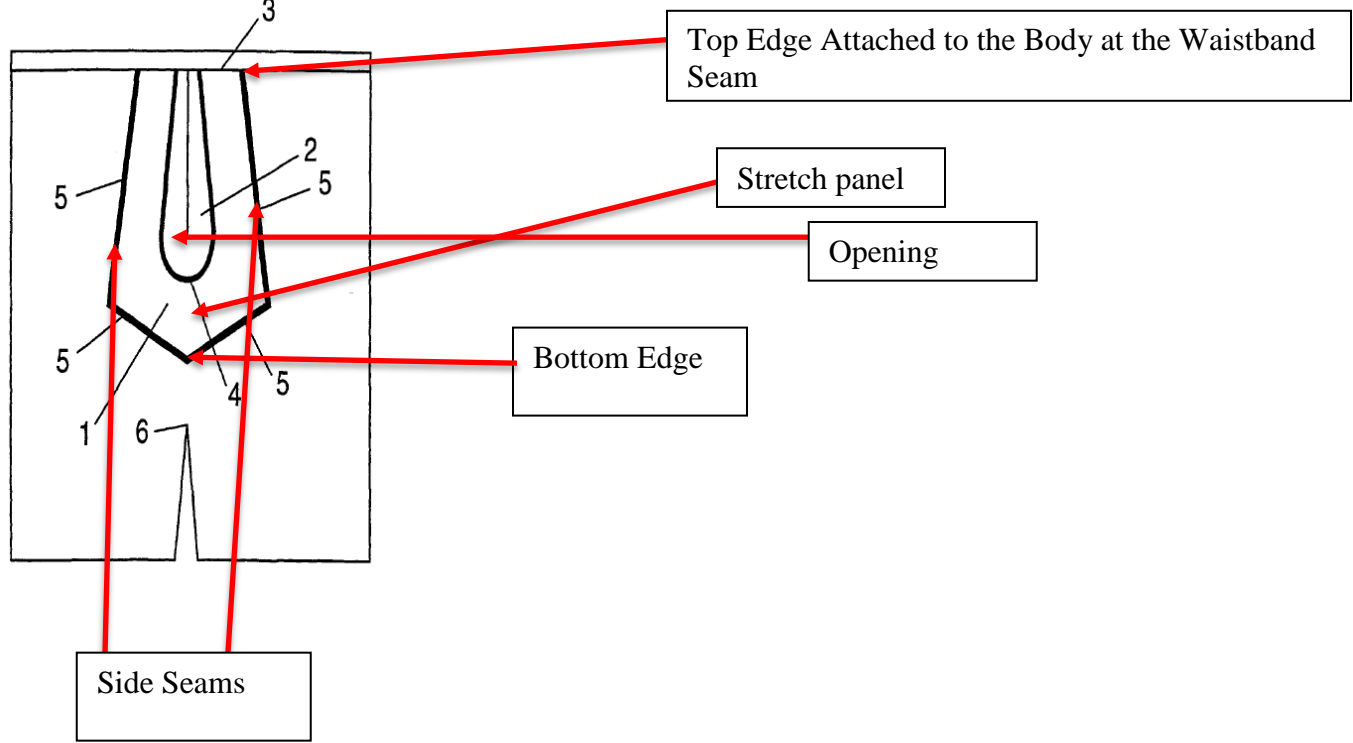
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The diagram shows a pair of underwear with several labeled components and callouts:</p> <ul style="list-style-type: none"> 3: Top edge of the waistband. 2: Stretch panel at the crotch. 5: Side panels on either side of the crotch. 4: Bottom edge of the crotch area. 1: Side seam on the left leg. 6: Side seam on the right leg. Top Edge Attached to the Body at the Waistband Seam: Callout pointing to the top edge (3). Stretch panel: Callout pointing to the crotch area (2). Opening: Callout pointing to the crotch area (2). Bottom Edge: Callout pointing to the bottom edge (4). Side Seams: Callout pointing to the side seams (1 and 6). <p>WO 01/37687 discloses an opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See, e.g.,</i></p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 18 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

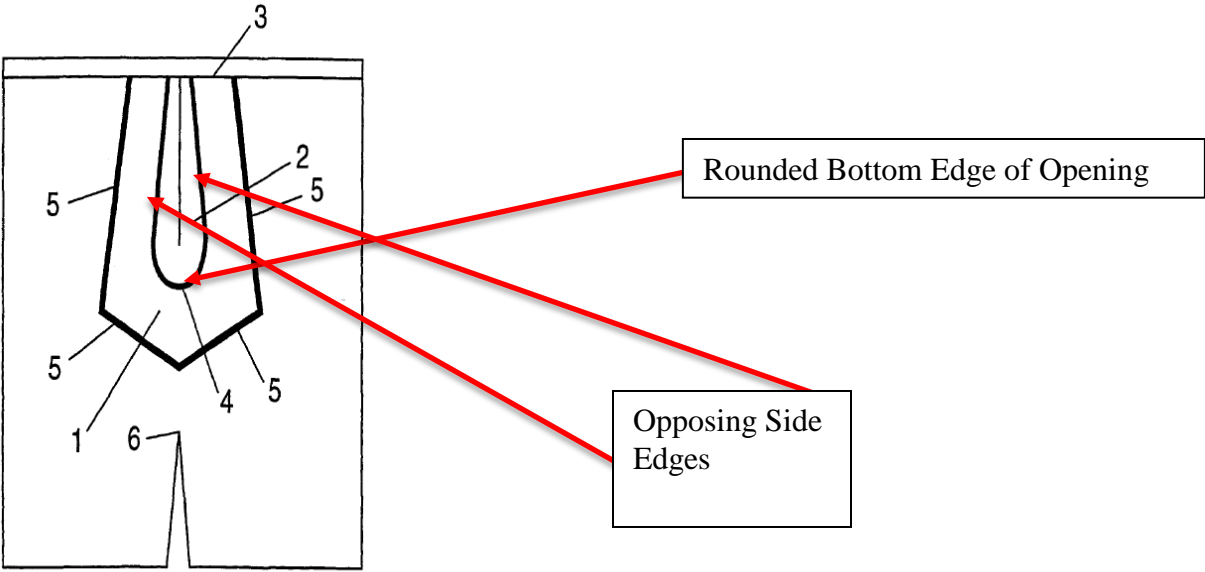
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="520 889 1155 922">“It has a tear-shaped vertical opening.” Abstract.</p> <p data-bbox="520 963 1623 995">“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p data-bbox="520 1036 1885 1287">To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose elastically resilient four-way stretch material having a bottom edge attached at the first seam and/or side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p data-bbox="520 1328 1885 1395">The ’571 Patent discloses a stretch panel attached to the body inside the front portion having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 19 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See e.g.</i>,</p> <p>“An underwear garment for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall.” (Abstract)</p> <p>“Angheluta discloses a man's garment, particularly a man's underwear garment, providing a codpiece compartment secured to a front of a trunk panel of the garment. The trunk panel provides an opening for communicating a man's genitals therethrough into the codpiece compartment.” (1:50-54)</p> <p>“Further advantageously, the pouch has an inner lining which is smooth and seamless over a central penis-covering portion thereof, and the concavities of the side panels are formed at least in part by folding laterally inwardly and stitching uppermost ends of the side panels so as to fold over an uppermost edge of the side panels. In one embodiment this is done where the side panels extend up to the waistband, and where the pouch also extends between the side panels substantially up to the waistband.” (2:49-57)</p> <p>“With reference to the accompanying drawings wherein similar characters of reference denote corresponding parts in each view, a conventional pair of so-called boxer style briefs 10 are modified in the present invention by adding interior side-panels 12, preferably constructed of an elasticized breathable mesh fabric, for the purpose of isolating the genitalia, in particular scrotum 14 and phallus 16 (shown diagrammatically in dotted outline in FIG. 7), into the pouch compartment 18, thereby isolating the genitalia from contacting the inner thighs and legs of the user 8 wearing the briefs.” (3:27-37)</p> <p>“As seen in the interior of briefs 10, side panels 12 are formed of two separate and substantially parallel pieces of mesh fabric attached to the laterally spaced apart pouch seams 20.” (3:37-40)</p> <p>“The side panels 12 form a pair of generally parallel fences which extend upwardly from, and along, seams 20 so as to extend their uppermost edges 12a upwardly substantially completely into the crack or fold</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 20 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>between the laterally outer sides of scrotum 14 and the top of the inner thighs, that is, along the fold of skin where the top of the inner thighs join the top of the scrotum along a lower-most aspect of the abdomen of user 8. This joint, where the inner thighs and scrotum join along a fold line, is defined generally by both the shape and the location when worn of the upper-most arcuate edges 12a of side panels 12.” (3:41-51)</p> <p>“The two side panels 12 thus separate the scrotum 14 from contacting the inner thighs and legs of the user, such separation extending from the waistband 22 to the perineum area 24 which extends under the buttocks of user.” (3:64-67)</p> <p>“Those oppositely disposed convexities of course define an opposed facing pair of genitalia-supporting concavities 12b which, because of the flexibility and elasticity of the mesh side panel material, mould to gently conform to the shape of scrotum 14 in particular and allow for resiliently supported relative movement of the scrotum relative to the pubis and perineum 24 of user 8, side panels 12 resiliently cradling and biasing the scrotum back into its naturally resting position symmetrically depending below the pubis and base of the penis 16.” (4:10-19)</p> <p>“As better seen in FIG. 3, in one embodiment the concavities 12b of side panels 12 are formed by folding over inwardly, and stitching with the fold-over in place, the upper ends 12c of side panels 12 where side panels 12 are stitched to the front walls 26 and waistband 22 of brief 10.” (4:19-24)</p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> <p>“The material of the side panels and pouch provide the intended isolating function while improving comfort, airflow, 35 and support for the scrotum. The mesh fabric is light and soft to reduce discomfort and improve feel for the scrotum and phallus while in contact with fabric and garment design in the sensitive groin area including the genitalia.” (4:33-38)</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 21 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

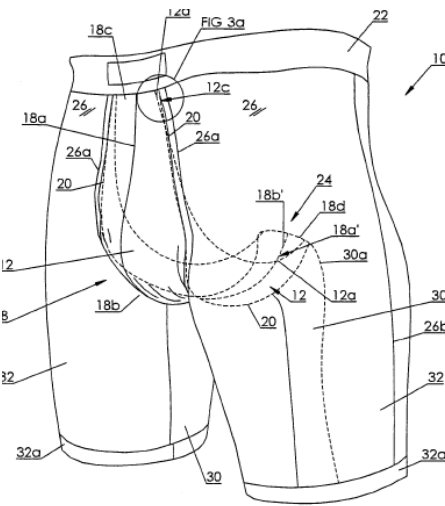
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>"The side panels 12 and the interior and exterior layers 18' and 18" respectively of pouch compartment 18 advantageously may share the interior seams 20 which create the pouch shape that is, seams 20 and 26a are coincident. The cooperation of the side-panels and pouch shape and construction serves to:</p> <ul style="list-style-type: none"> a) further enhance the cradle-like support of the garment through the opposed facing convex shape seam orientation of seams 26a; b) contain the genitalia while inhibiting contact between the fabric and the skin; c) further accentuate the volume and freedom of movement within pouch compartment 18 while inhibiting the genitalia from escaping pouch compartment 18." (5:31-43)  <p style="text-align: center;">FIG 3</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 22 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

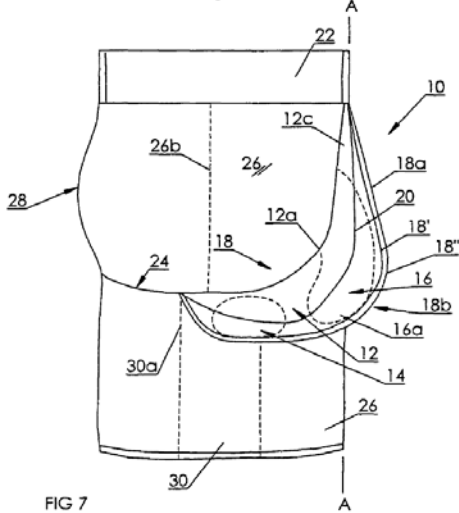
| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| |  <p>FIG 7</p> |
| <p>[1.4] the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, the stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front</p> | <p>WO 01/37687 discloses a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. <i>See, e.g.,</i></p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 23 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn.</p> | <div data-bbox="533 277 1423 789"> </div> <p>“elastic garment.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p>WO 01/37687 discloses a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams. <i>See, e.g.,</i></p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

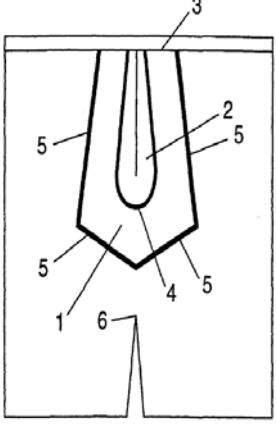
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The front portion of WO 01/37687 defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer's genitals.</p> <p>“By introducing the testicles through said opening, the base of said opening is located between the testicles and the groin. The testicles tend to be separated towards the front due to the fact that the garment is sewn to the inner front part of the underpants, thereby reducing contact and direct friction between the testicles and the groin.” Abstract.</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion, one of ordinary skill in the art would, based on one's knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>The ’571 Patent discloses the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> <p>“Those oppositely disposed convexities of course define an opposed facing pair of genitalia-supporting concavities 12b which, because of the flexibility and elasticity of the mesh side panel material, mould to gently conform to the shape of scrotum 14 in particular and allow for resiliently supported relative movement of the scrotum relative to the pubis and perineum 24 of user 8, side panels 12 resiliently cradling and biasing the scrotum back into its naturally resting position symmetrically depending below the pubis and base of the penis 16.” (4:10-19)</p> <p>“The side panels 12 and the interior and exterior layers 18’ and 18” respectively of pouch compartment 18 advantageously may share the interior seams 20 which create the pouch shape that is, seams 20 and 26a are coincident. The cooperation of the side-panels and pouch shape and construction serves to:</p> <ul style="list-style-type: none"> a) further enhance the cradle-like support of the garment through the opposed facing convex shape seam orientation of seams 26a; b) contain the genitalia while inhibiting contact between the fabric and the skin; c) further accentuate the volume and freedom of movement within pouch compartment 18 while inhibiting the genitalia from escaping pouch compartment 18.” (5:31-43) |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

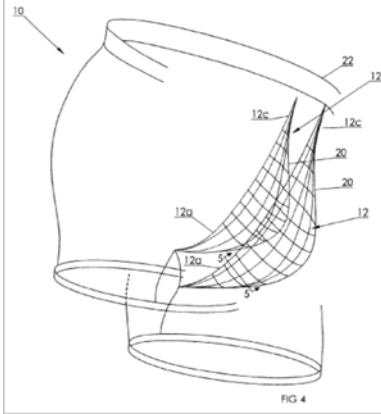
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>FIG 4</p> <p>Alternatively, one of ordinary skill in the art would understand how to make a garment wherein the front portion is gathered from side-to-side and top-to-bottom by the stretch panel, wherein the stretch panel has a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams. For example, EP O 476 818 teaches a method of gathering from side-to-side and top-to-bottom by an elastic fabric. <i>See, e.g.,</i></p> <p>“The garment now has a waist opening 31 and in accordance with the present invention, an elasticated band 32 is secured in face to face contact to a marginal portion 33 of the garment surrounding the waist opening 31. The band 32 is secured to the garment whilst in a tensioned condition (i.e. stretched condition) so that on relaxation, the fabric of the marginal portion 33 is ruched thereby enabling the band to stretch when the garment is being worn.” (4:4-12)</p> <p>“The operative inserts the garment over the band, drops the presser foot 56, sews a pre-set number of stitches, typically two or three, after which the roller 59 drops automatically, and the metering device 62 automatically reverses to apply the pre-programmed tension to the band so that the ruched effect can be achieved.” (6:47-53)</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 2 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[2] A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See, e.g.,</i></p> <p>“elastic garment.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p>To the extent Plaintiffs contend WO 01/37687, alone or in combination with the ’571 Patent, does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’369 Patent discloses asymmetrical stretch characteristics of a fabric such that it stretches more easily in one direction and less easily in a direction at right angles to the first direction. <i>See, e.g.,</i></p> <p>“With reference to FIG. 3, the warp knit is generally known in the art for having strands 26 running substantially parallel along a direction 27 of the fabric. Lateral threads 28 running substantially perpendicular to the strands 26 and in a direction 29 encircle sets of two strands 26 at once. Each adjacent lateral thread 28 encircles one of the two strands 26 in the first set and one of the two strands 26 from the second set. This pattern is repeated throughout. The warp knit, by virtue of having parallel strands 26 along the direction 27 of the fabric, is resistant to stretch in the direction 27 when compared to other knitted fabrics, which may undesirably stretch. Thus, the warp knit fabric stretches less along the direction 27 than along the direction 29.” (2:40-52)</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 28 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“The warp knit fabric used to form the groin portion 14 can stretch a relatively greater amount in the horizontal direction, roughly parallel to the waistband, than in the vertical direction. The ability to stretch in the horizontal direction allows for the accommodation of different sizes and shapes of male genitals. The groin portion stretches in the horizontal direction to accommodate the genitals of the supporter user while maintaining slight pressure on the genitals in the horizontal direction, thus aiding the cupping and compression functions of the supporter 10.” (3:1-10)</p> <div data-bbox="533 542 1184 1198"> <p>FIG. 3</p> </div> <p>The '874 Publication discloses a stretch panel [rear panel 114] that has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See e.g.</i>, [0022 and 0024].</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>[0022] “In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable.”</p> <p>[0024] “The rear panel 114 is also comprised of the fabric 108.”</p> |

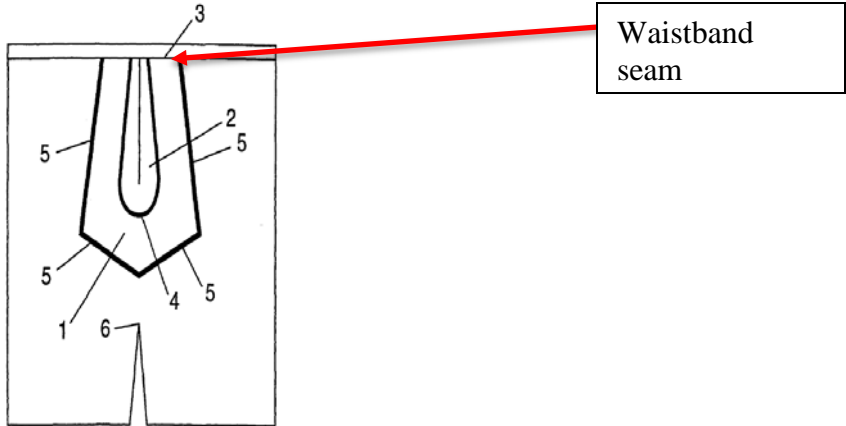
| Claim 5 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>[5] A garment according to claim 1 wherein the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses that the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%. <i>See, e.g.,</i></p>  <p>“elastic garment.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 30 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a garment where the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’571 Patent discloses a garment where the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%. <i>See e.g.</i>,</p> <p>“In one embodiment this is done where the side panels extend up to the waistband, and where the pouch also extends between the side panels substantially up to the waistband.” (2:54-57)</p> <p>“The two side panels 12 thus separate the scrotum 14 from contacting the inner thighs and legs of the user, such separation extending from the waistband 22 to the perineum area 24 which extends under the buttocks of user.” (3:64-67)</p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> <p>“Viewed from the exterior of the pouch from compartment 18 appears bordered laterally by a pair of opposed facing curved (for example convex shaped) seams 26a bordered at the upper end 18c by waistband 22 and at the lower, rearmost end 18d by perineum area 24 adjacent the posterior perineum.” (5:8-12)</p> <p>“The sides of the exterior of pouch compartment 18 are defined by parallel seams 26a which track from the waistband 22 to the perineum area 24.” (5:18-20)</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 31 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

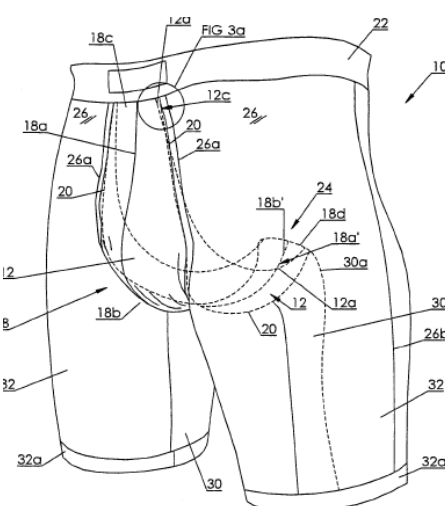
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“The garment of claim 2 wherein said side panels extend substantially up to said waistband.” (claim 9)</p> <p>“The garment of claim 9 wherein said pouch extends between said side panels substantially up to said waistband.” (claim 10)</p> <p>“The garment of claim 1 wherein said side panels extend upwards so as to contact said waistband.” (claim 11)</p>  <p>FIG. 3</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

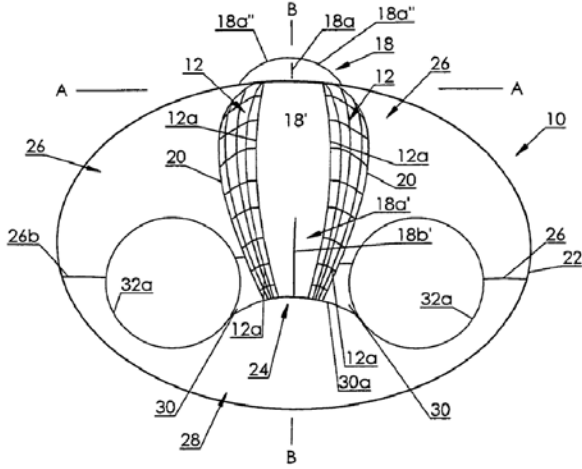
| Claim 5 | Exemplary Disclosure in Prior Art |
|--|---|
| |  <p style="text-align: center;">FIG 8</p> |
| Claim 6 | Exemplary Disclosure in Prior Art |
| <p>[6] A garment according to claim 1 wherein the garment is a pair of undershorts.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a pair of undershorts. <i>See, e.g.,</i></p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 33 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

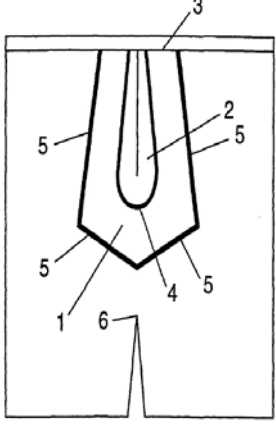
| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>Further, the '571 Patent discloses this limitation. <i>See, e.g.,</i></p> <p>“An underwear garment for use by a male” (Abstract)</p> <p>“UNDERWEAR GARMENT FOR A MALE” (Title)</p> <p>“This invention relates to the field of men's undergarments generally, and in particular to an undergarment having an improved pouch and sidewalls for supporting genitalia and decreasing irritation due to skin-to-skin friction and chaffing.” (1:12-15)</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 34 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

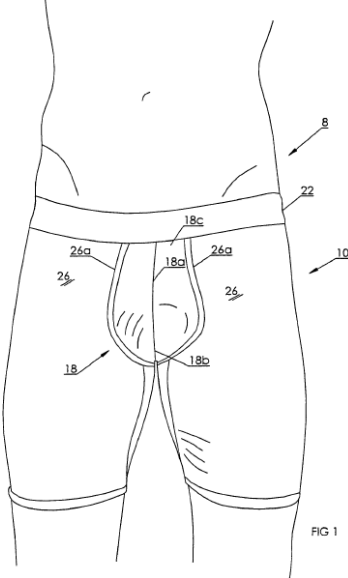
| Claim 6 | Exemplary Disclosure in Prior Art |
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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

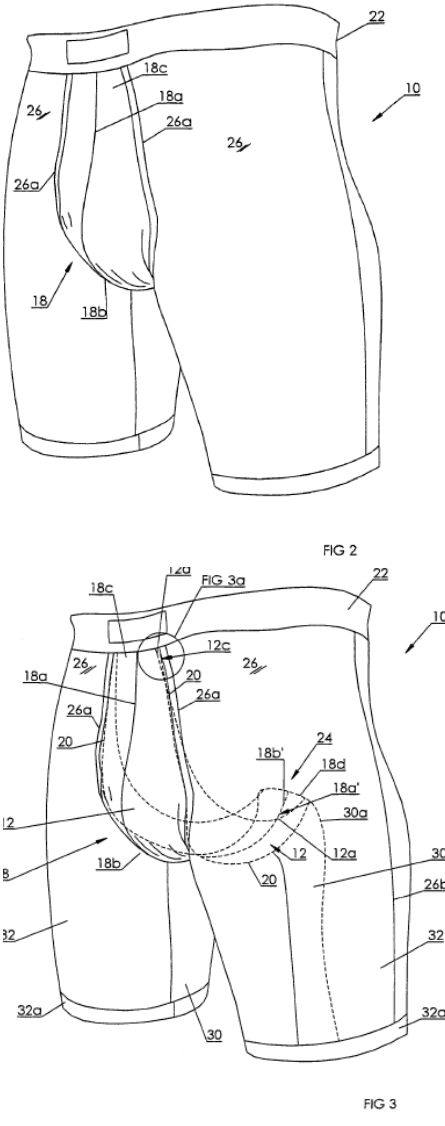
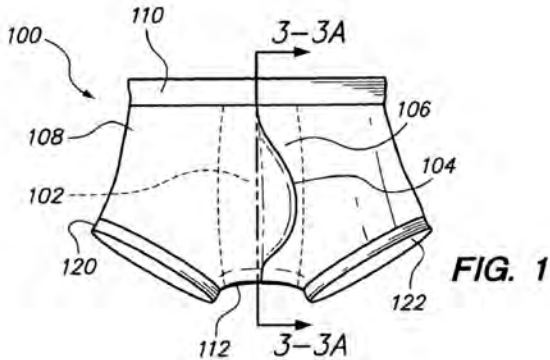
| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>FIG 2</p> <p>FIG 3</p> <p>The drawings illustrate a pair of men's briefs (10). FIG 2 is a front view showing the waistband (22), fly (18), and leg openings (26). FIG 3 is a side view showing the fly (18) and leg opening (26) with various internal components labeled, including 12, 12a, 12c, 14a, 18a, 18b, 18c, 18d, 18e, 18f, 18g, 18h, 18i, 18j, 18k, 18l, 18m, 18n, 18o, 18p, 18q, 18r, 18s, 18t, 18u, 18v, 18w, 18x, 18y, 18z, 20, 20a, 20b, 20c, 20d, 20e, 20f, 20g, 20h, 20i, 20j, 20k, 20l, 20m, 20n, 20o, 20p, 20q, 20r, 20s, 20t, 20u, 20v, 20w, 20x, 20y, 20z, 22, 22a, 22b, 22c, 22d, 22e, 22f, 22g, 22h, 22i, 22j, 22k, 22l, 22m, 22n, 22o, 22p, 22q, 22r, 22s, 22t, 22u, 22v, 22w, 22x, 22y, 22z, 24, 24a, 24b, 24c, 24d, 24e, 24f, 24g, 24h, 24i, 24j, 24k, 24l, 24m, 24n, 24o, 24p, 24q, 24r, 24s, 24t, 24u, 24v, 24w, 24x, 24y, 24z, 26, 26a, 26b, 26c, 26d, 26e, 26f, 26g, 26h, 26i, 26j, 26k, 26l, 26m, 26n, 26o, 26p, 26q, 26r, 26s, 26t, 26u, 26v, 26w, 26x, 26y, 26z, 28, 28a, 28b, 28c, 28d, 28e, 28f, 28g, 28h, 28i, 28j, 28k, 28l, 28m, 28n, 28o, 28p, 28q, 28r, 28s, 28t, 28u, 28v, 28w, 28x, 28y, 28z, 30, 30a, 30b, 30c, 30d, 30e, 30f, 30g, 30h, 30i, 30j, 30k, 30l, 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44y, 44z, 46, 46a, 46b, 46c, 46d, 46e, 46f, 46g, 46h, 46i, 46j, 46k, 46l, 46m, 46n, 46o, 46p, 46q, 46r, 46s, 46t, 46u, 46v, 46w, 46x, 46y, 46z, 48, 48a, 48b, 48c, 48d, 48e, 48f, 48g, 48h, 48i, 48j, 48k, 48l, 48m, 48n, 48o, 48p, 48q, 48r, 48s, 48t, 48u, 48v, 48w, 48x, 48y, 48z, 50, 50a, 50b, 50c, 50d, 50e, 50f, 50g, 50h, 50i, 50j, 50k, 50l, 50m, 50n, 50o, 50p, 50q, 50r, 50s, 50t, 50u, 50v, 50w, 50x, 50y, 50z, 52, 52a, 52b, 52c, 52d, 52e, 52f, 52g, 52h, 52i, 52j, 52k, 52l, 52m, 52n, 52o, 52p, 52q, 52r, 52s, 52t, 52u, 52v, 52w, 52x, 52y, 52z, 54, 54a, 54b, 54c, 54d, 54e, 54f, 54g, 54h, 54i, 54j, 54k, 54l, 54m, 54n, 54o, 54p, 54q, 54r, 54s, 54t, 54u, 54v, 54w, 54x, 54y, 54z, 56, 56a, 56b, 56c, 56d, 56e, 56f, 56g, 56h, 56i, 56j, 56k, 56l, 56m, 56n, 56o, 56p, 56q, 56r, 56s, 56t, 56u, 56v, 56w, 56x, 56y, 56z, 58, 58a, 58b, 58c, 58d, 58e, 58f, 58g, 58h, 58i, 58j, 58k, 58l, 58m, 58n, 58o, 58p, 58q, 58r, 58s, 58t, 58u, 58v, 58w, 58x, 58y, 58z, 60, 60a, 60b, 60c, 60d, 60e, 60f, 60g, 60h, 60i, 60j, 60k, 60l, 60m, 60n, 60o, 60p, 60q, 60r, 60s, 60t, 60u, 60v, 60w, 60x, 60y, 60z, 62, 62a, 62b, 62c, 62d, 62e, 62f, 62g, 62h, 62i, 62j, 62k, 62l, 62m, 62n, 62o, 62p, 62q, 62r, 62s, 62t, 62u, 62v, 62w, 62x, 62y, 62z, 64, 64a, 64b, 64c, 64d, 64e, 64f, 64g, 64h, 64i, 64j, 64k, 64l, 64m, 64n, 64o, 64p, 64q, 64r, 64s, 64t, 64u, 64v, 64w, 64x, 64y, 64z, 66, 66a, 66b, 66c, 66d, 66e, 66f, 66g, 66h, 66i, 66j, 66k, 66l, 66m, 66n, 66o, 66p, 66q, 66r, 66s, 66t, 66u, 66v, 66w, 66x, 66y, 66z, 68, 68a, 68b, 68c, 68d, 68e, 68f, 68g, 68h, 68i, 68j, 68k, 68l, 68m, 68n, 68o, 68p, 68q, 68r, 68s, 68t, 68u, 68v, 68w, 68x, 68y, 68z, 70, 70a, 70b, 70c, 70d, 70e, 70f, 70g, 70h, 70i, 70j, 70k, 70l, 70m, 70n, 70o, 70p, 70q, 70r, 70s, 70t, 70u, 70v, 70w, 70x, 70y, 70z, 72, 72a, 72b, 72c, 72d, 72e, 72f, 72g, 72h, 72i, 72j, 72k, 72l, 72m, 72n, 72o, 72p, 72q, 72r, 72s, 72t, 72u, 72v, 72w, 72x, 72y, 72z, 74, 74a, 74b, 74c, 74d, 74e, 74f, 74g, 74h, 74i, 74j, 74k, 74l, 74m, 74n, 74o, 74p, 74q, 74r, 74s, 74t, 74u, 74v, 74w, 74x, 74y, 74z, 76, 76a, 76b, 76c, 76d, 76e, 76f, 76g, 76h, 76i, 76j, 76k, 76l, 76m, 76n, 76o, 76p, 76q, 76r, 76s, 76t, 76u, 76v, 76w, 76x, 76y, 76z, 78, 78a, 78b, 78c, 78d, 78e, 78f, 78g, 78h, 78i, 78j, 78k, 78l, 78m, 78n, 78o, 78p, 78q, 78r, 78s, 78t, 78u, 78v, 78w, 78x, 78y, 78z, 80, 80a, 80b, 80c, 80d, 80e, 80f, 80g, 80h, 80i, 80j, 80k, 80l, 80m, 80n, 80o, 80p, 80q, 80r, 80s, 80t, 80u, 80v, 80w, 80x, 80y, 80z, 82, 82a, 82b, 82c, 82d, 82e, 82f, 82g, 82h, 82i, 82j, 82k, 82l, 82m, 82n, 82o, 82p, 82q, 82r, 82s, 82t, 82u, 82v, 82w, 82x, 82y, 82z, 84, 84a, 84b, 84c, 84d, 84e, 84f, 84g, 84h, 84i, 84j, 84k, 84l, 84m, 84n, 84o, 84p, 84q, 84r, 84s, 84t, 84u, 84v, 84w, 84x, 84y, 84z, 86, 86a, 86b, 86c, 86d, 86e, 86f, 86g, 86h, 86i, 86j, 86k, 86l, 86m, 86n, 86o, 86p, 86q, 86r, 86s, 86t, 86u, 86v, 86w, 86x, 86y, 86z, 88, 88a, 88b, 88c, 88d, 88e, 88f, 88g, 88h, 88i, 88j, 88k, 88l, 88m, 88n, 88o, 88p, 88q, 88r, 88s, 88t, 88u, 88v, 88w, 88x, 88y, 88z, 90, 90a, 90b, 90c, 90d, 90e, 90f, 90g, 90h, 90i, 90j, 90k, 90l, 90m, 90n, 90o, 90p, 90q, 90r, 90s, 90t, 90u, 90v, 90w, 90x, 90y, 90z, 92, 92a, 92b, 92c, 92d, 92e, 92f, 92g, 92h, 92i, 92j, 92k, 92l, 92m, 92n, 92o, 92p, 92q, 92r, 92s, 92t, 92u, 92v, 92w, 92x, 92y, 92z, 94, 94a, 94b, 94c, 94d, 94e, 94f, 94g, 94h, 94i, 94j, 94k, 94l, 94m, 94n, 94o, 94p, 94q, 94r, 94s, 94t, 94u, 94v, 94w, 94x, 94y, 94z, 96, 96a, 96b, 96c, 96d, 96e, 96f, 96g, 96h, 96i, 96j, 96k, 96l, 96m, 96n, 96o, 96p, 96q, 96r, 96s, 96t, 96u, 96v, 96w, 96x, 96y, 96z, 98, 98a, 98b, 98c, 98d, 98e, 98f, 98g, 98h, 98i, 98j, 98k, 98l, 98m, 98n, 98o, 98p, 98q, 98r, 98s, 98t, 98u, 98v, 98w, 98x, 98y, 98z, 100, 100a, 100b, 100c, 100d, 100e, 100f, 100g, 100h, 100i, 100j, 100k, 100l, 100m, 100n, 100o, 100p, 100q, 100r, 100s, 100t, 100u, 100v, 100w, 100x, 100y, 100z.</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>The '874 Publication discloses a garment that is a pair of undershorts [boxer-brief type underwear 100]. <i>See e.g.</i>, FIG. 1.</p>  <p style="text-align: right;">FIG. 1</p> |

| Claim 7 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>[7] A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.</i>, “The invention relates to a hygienic elastic garment for men’s underwear, which forms part and is sewn to classic underpants.” Abstract.</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify WO 01/37687 in view of one or more prior art references to meet this limitation.</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 7 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>The ’571 Patent discloses the stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™. Pouch 18 may be of a material containing 82% polyester and 18% Spandex™. In one embodiment, the balance of brief 10 is of the same material, however in an alternative embodiment, the balance of brief 10 is made of a 92% cotton, 8% Spandex™ fabric.” (4:25-33)</p> |

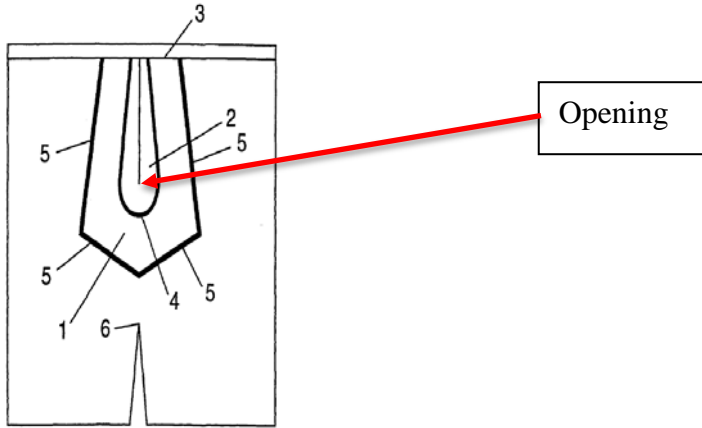
| Claim 8 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[8] A garment according to claim 1 wherein the opening has a width in excess of 2 cm.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses an opening with a width in excess of 2 cm. <i>See, e.g.,</i></p>  <p>“By introducing the testicles through said opening...” Abstract.</p> <p>Furthermore, the ’571 Patent discloses this limitation. <i>See, e.g.,</i></p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 38 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“Angheluta discloses a man's garment, particularly a man's underwear garment, providing a codpiece compartment secured to a front of a trunk panel of the garment. The trunk panel provides an opening for communicating a man's genitals therethrough into the codpiece compartment.” (1:50-54)</p> <p>“Further advantageously, the pouch has an inner lining which is smooth and seamless over a central penis-covering portion thereof, and the concavities of the side panels are formed at least in part by folding laterally inwardly and stitching uppermost ends of the side panels so as to fold over an uppermost edge of the side panels. In one embodiment this is done where the side panels extend up to the waistband, and where the pouch also extends between the side panels substantially up to the waistband.” (2:49-57)</p> <p>“With reference to the accompanying drawings wherein similar characters of reference denote corresponding parts in each view, a conventional pair of so-called boxer style briefs 10 are modified in the present invention by adding interior side-panels 12, preferably constructed of an elasticized breathable mesh fabric, for the purpose of isolating the genitalia, in particular scrotum 14 and phallus 16 (shown diagrammatically in dotted outline in FIG. 7), into the pouch compartment 18, thereby isolating the genitalia from contacting the inner thighs and legs of the user 8 wearing the briefs.” (3:27-37)</p> <p>“As seen in the interior of briefs 10, side panels 12 are formed of two separate and substantially parallel pieces of mesh fabric attached to the laterally spaced apart pouch seams 20.” (3:37-40)</p> <p>“The side panels 12 form a pair of generally parallel fences which extend upwardly from, and along, seams 20 so as to extend their uppermost edges 12a upwardly substantially completely into the crack or fold between the laterally outer sides of scrotum 14 and the top of the inner thighs, that is, along the fold of skin where the top of the inner thighs join the top of the scrotum along a lower-most aspect of the abdomen of user 8. This joint, where the inner thighs and scrotum join along a fold line, is defined generally by both the shape and the location when worn of the upper-most arcuate edges 12a of side panels 12.” (3:41-51)</p> <p>“The two side panels 12 thus separate the scrotum 14 from contacting the inner thighs and legs of the user, such separation extending from the waistband 22 to the perineum area 24 which extends under the buttocks of user.” (3:64-67)</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 39 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“Those oppositely disposed convexities of course define an opposed facing pair of genitalia-supporting concavities 12b which, because of the flexibility and elasticity of the mesh side panel material, mould to gently conform to the shape of scrotum 14 in particular and allow for resiliently supported relative movement of the scrotum relative to the pubis and perineum 24 of user 8, side panels 12 resiliently cradling and biasing the scrotum back into its naturally resting position symmetrically depending below the pubis and base of the penis 16.” (4:10-19)</p> <p>“As better seen in FIG. 3, in one embodiment the concavities 12b of side panels 12 are formed by folding over inwardly, and stitching with the fold-over in place, the upper ends 12c of side panels 12 where side panels 12 are stitched to the front walls 26 and waistband 22 of brief 10.” (4:19-24)</p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> <p>“The material of the side panels and pouch provide the intended isolating function while improving comfort, airflow, and support for the scrotum. The mesh fabric is light and soft to reduce discomfort and improve feel for the scrotum and phallus while in contact with fabric and garment design in the sensitive groin area including the genitalia.” (4:33-38)</p> <p>“The side panels 12 and the interior and exterior layers 18’ and 18” respectively of pouch compartment 18 advantageously may share the interior seams 20 which create the pouch shape that is, seams 20 and 26a are coincident. The cooperation of the side-panels and pouch shape and construction serves to:</p> <ul style="list-style-type: none"> a) further enhance the cradle-like support of the garment through the opposed facing convex shape seam orientation of seams 26a; b) contain the genitalia while inhibiting contact between the fabric and the skin; c) further accentuate the volume and freedom of movement within pouch compartment 18 while inhibiting the genitalia from escaping pouch compartment 18.” (5:31-43) |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

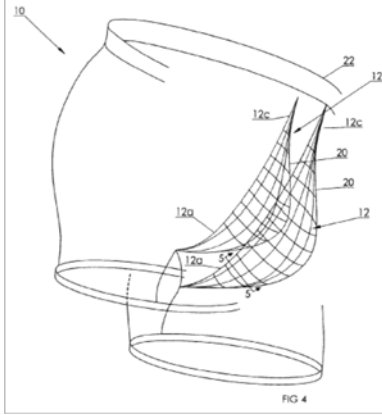
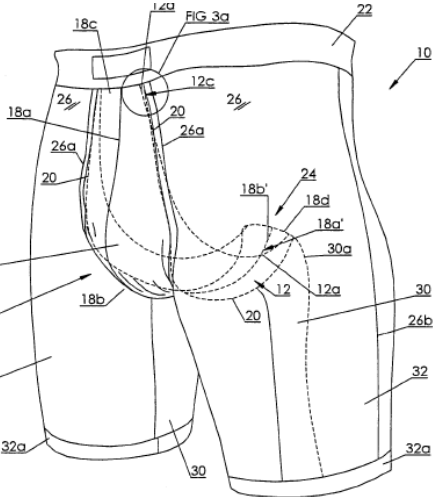
| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>FIG 4</p>  <p>FIG 3</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

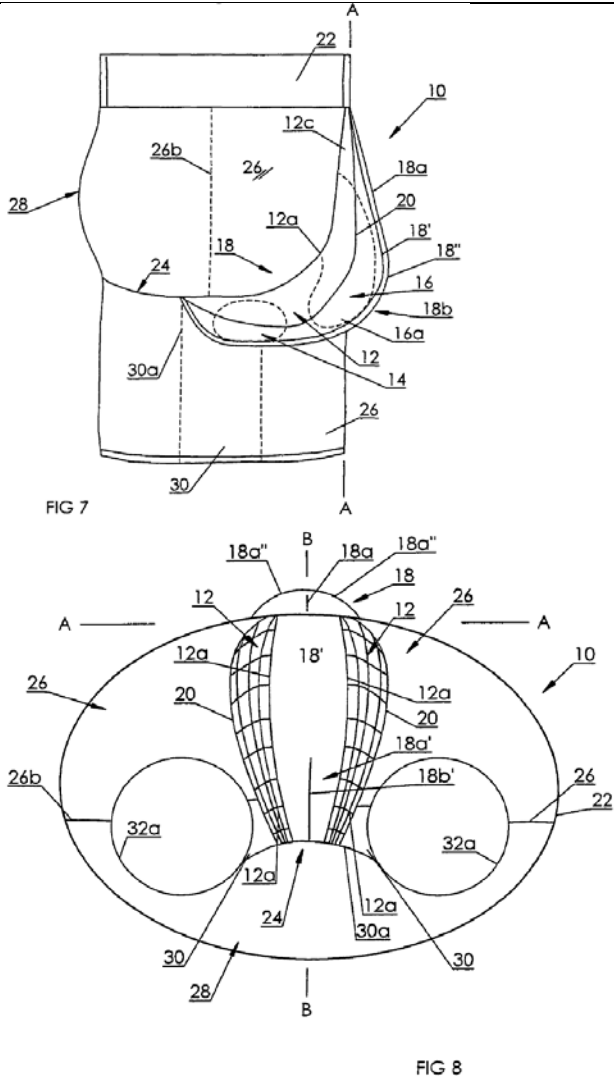
| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>FIG 7 is a cross-sectional view of a garment (10) showing various layers and components. Labels include 10, 12c, 12a, 18, 18a, 18', 18'', 16, 16a, 14, 26, 26b, 24, 30a, and 30. A dashed line A-A indicates a cross-section.</p> <p>FIG 8 is a top-down view of the garment (10) showing the layout of the components. Labels include 10, 12, 12a, 18, 18a, 18a'', 18b', 18c', 20, 26, 26b, 32a, 30a, 30, 24, 28, and B. A dashed line A-A indicates a cross-section.</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

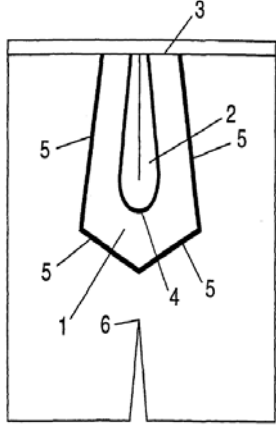
| Claim 9 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[9] A garment according to claim 1 wherein: the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p>  <p>“It has a tear-shaped vertical opening extending from the elastic on the waistband of the underpants.” Abstract.</p> <p>“By introducing the testicles through said opening, the base of said opening is located between the testicles and the groin.” Abstract.</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch, one of ordinary skill in the art would, based on one's knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 43 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>limitation. Alternatively, one of ordinary skill could modify WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’571 Patent discloses a stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p> <p>“An underwear garment for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall. The pouch may be pear-shaped when viewed from the front. A lower extremity of the pouch extends under and rearwardly of the front wall so as to form a perineum portion for covering rearwardly past the scrotum and to the perineum of the user.” (Abstract)</p> <p>“The present invention provides a solution to the above by addressing the issues of scrotum independence from inner legs, and improved comfort and support.” (2:6-8)</p> <p>“In summary, the underwear garment according to the present invention, and for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in amid-section of a front wall depending from a waistband so as to bisect said front wall.” (2:17-22)</p> <p>“For wearing by a user having a penis, a scrotum, and a perineum an underwear garment comprising: a waistband, and a front wall depending downwardly from the front thereof, a genital pouch formed in a mid-section of said front wall so as to bisect said front wall, said pouch pear-shaped when viewed from the front and having a lower extremity thereof which extends under and rearwardly of said front wall so as to form a perineum portion for covering past the scrotum and to the perineum of the user when worn by the user” (claim 1)</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

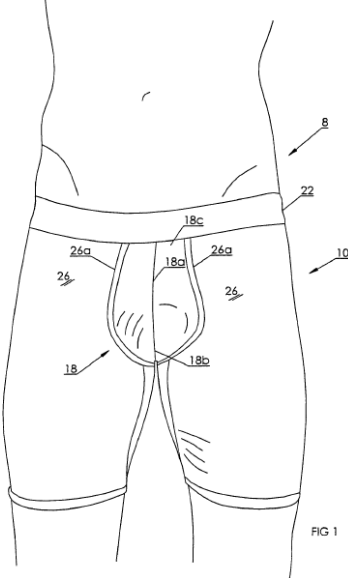
| Claim 9 | Exemplary Disclosure in Prior Art |
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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|-----------------------------------|
| | <p>FIG 2</p> <p>FIG 3</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

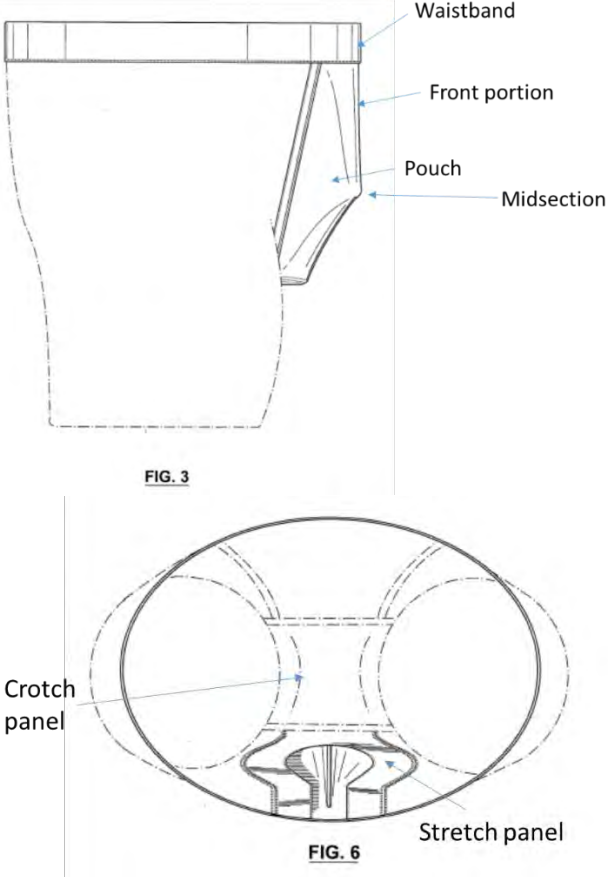
| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>The '058 Design discloses a stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p>  <p>FIG. 3 is a side view of a garment (underwear) showing a waistband, a front portion, a pouch, and a midsection. FIG. 6 is a top-down view of the garment showing a crotch panel and a stretch panel positioned forward of the perineum.</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

| Claim 10 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p>“elastic garment.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose elastically resilient four-way stretch material comprised of a spandex blend, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’571 Patent discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> <p>The ’218 Publication discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

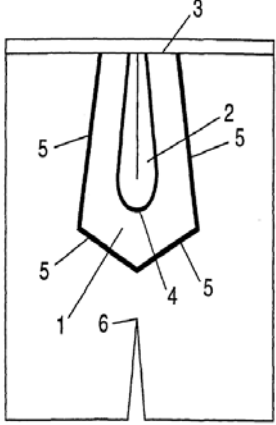
| Claim 12 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[12] A garment according to claim 1, wherein the first seam is disposed forward of a perineum region of a wearer.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses the first seam disposed forward of a perineum region of a wearer. <i>See, e.g.,</i></p>  <p>“It has a tear-shaped vertical opening extending from the elastic on the waistband of the underpants.” Abstract.</p> <p>“By introducing the testicles through said opening, the base of said opening is located between the testicles and the groin.” Abstract.</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose the first seam disposed forward of a perineum region of a wearer, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’571 Patent discloses the first seam disposed forward of a perineum region of a wearer. <i>See, e.g.,</i></p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 49 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

| Claim 12 | Exemplary Disclosure in Prior Art |
|-----------------|---|
| | <p>“An underwear garment for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in a mid-section of a front wall depending from a waistband so as to bisect said front wall. The pouch may be pear-shaped when viewed from the front. A lower extremity of the pouch extends under and rearwardly of the front wall so as to form a perineum portion for covering rearwardly past the scrotum and to the perineum of the user.” (Abstract)</p> <p>“The present invention provides a solution to the above by addressing the issues of scrotum independence from inner legs, and improved comfort and support.” (2:6-8)</p> <p>“In summary, the underwear garment according to the present invention, and for use by a male, that is, a person having a penis and a scrotum, may be characterized as including a genital pouch and a pair of side panels collectively formed in amid-section of a front wall depending from a waistband so as to bisect said front wall.” (2:17-22)</p> <p>“For wearing by a user having a penis, a scrotum, and a perineum an underwear garment comprising: a waistband, and a front wall depending downwardly from the front thereof, a genital pouch formed in a mid-section of said front wall so as to bisect said front wall, said pouch pear-shaped when viewed from the front and having a lower extremity thereof which extends under and rearwardly of said front wall so as to form a perineum portion for covering past the scrotum and to the perineum of the user when worn by the user” (claim 1)</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 50 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

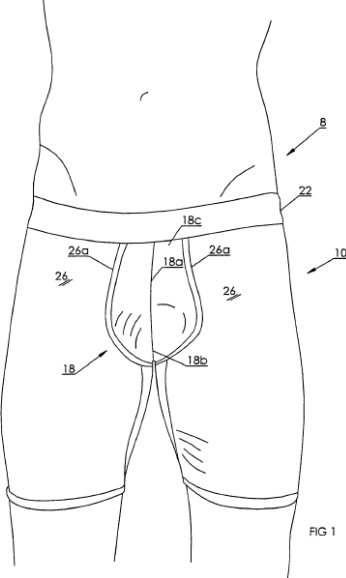
| Claim 12 | Exemplary Disclosure in Prior Art |
|----------|---|
| |  |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 51 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

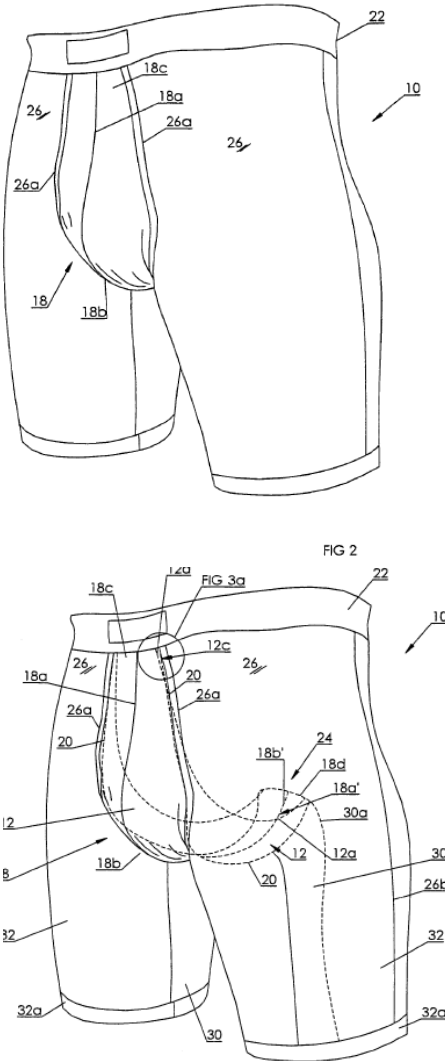
| Claim 12 | Exemplary Disclosure in Prior Art |
|----------|---|
| |  <p>The '058 Design discloses the first seam disposed forward of a perineum region of a wearer. <i>See, e.g.,</i></p> |

Exhibit E-2

Invalidity of U.S. Patent No. 9,687,030

Page 52 of 58

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

Claim 12

Exemplary Disclosure in Prior Art

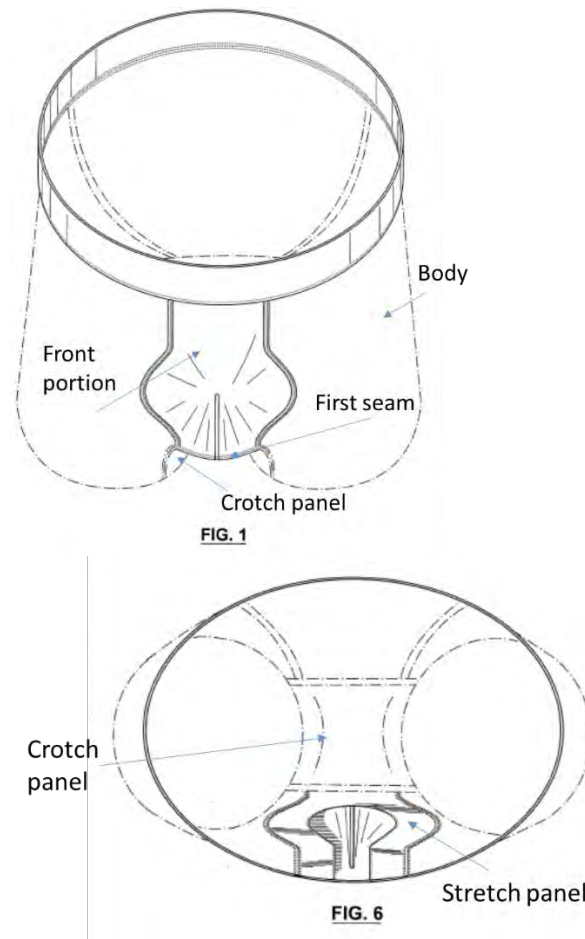


Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 53 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

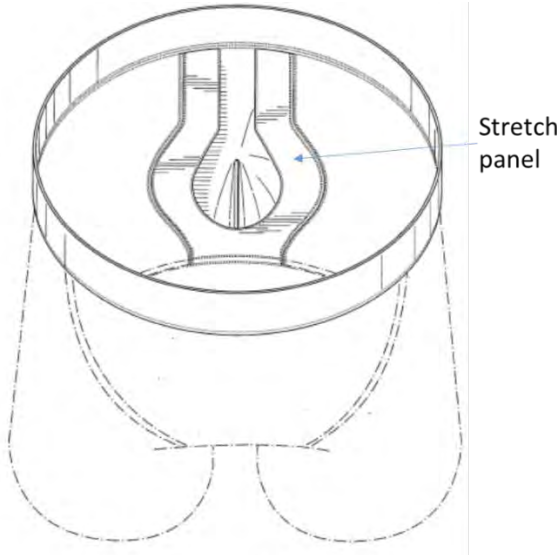
| Claim 14 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[14] A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a stretch panel formed from a single unitary piece of woven fabric. <i>See, e.g.</i>, “The invention relates to a hygienic elastic garment for men's underwear.” Abstract.</p> <p>To the extent Plaintiffs contend WO 01/37687, alone or in combination with the ’571 Patent, does not expressly, implicitly, or inherently disclose a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’058 Design discloses a stretch panel formed from a single unitary piece of fabric. <i>See e.g.</i>,</p>  <p style="text-align: center;">FIG. 2</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 54 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”) and/or Other Prior Art

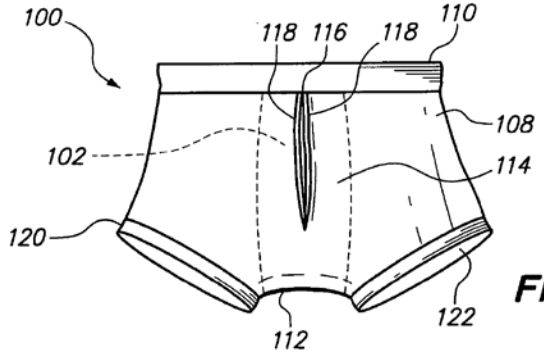
| Claim 14 | Exemplary Disclosure in Prior Art |
|---|--|
| | <p>The '874 Publication discloses a stretch panel [rear panel 114] formed from a single unitary piece of woven fabric [fabric 108]. <i>See e.g.</i>,</p>  <p style="text-align: right;">FIG. 2</p> <p>[0022] “In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable.”</p> <p>[0024] “The rear panel 114 is also comprised of the fabric 108.”</p> |
| Claim 15 | Exemplary Disclosure in Prior Art |
| <p>[15] A garment according to claim 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 includes a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.</i>,</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 55 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|---|
| | <div data-bbox="533 280 806 703"> </div> <p data-bbox="522 735 1892 954">To the extent Plaintiffs contend WO 01/37687, alone or in combination with the '571 Patent, does not expressly, implicitly, or inherently disclose a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer, one of ordinary skill in the art would, based on one's knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p data-bbox="522 992 1839 1101">The '058 Design discloses a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 56 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

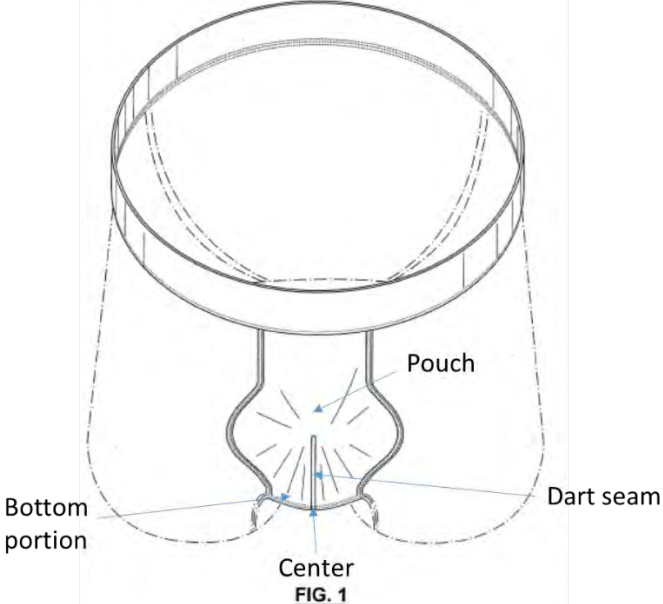
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|---|
| |  <p data-bbox="827 857 890 878">FIG. 1</p> |

Exhibit E-2

Invalidity of U.S. Patent No. 9,687,030

Page 57 of 58

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) and/or Other Prior Art

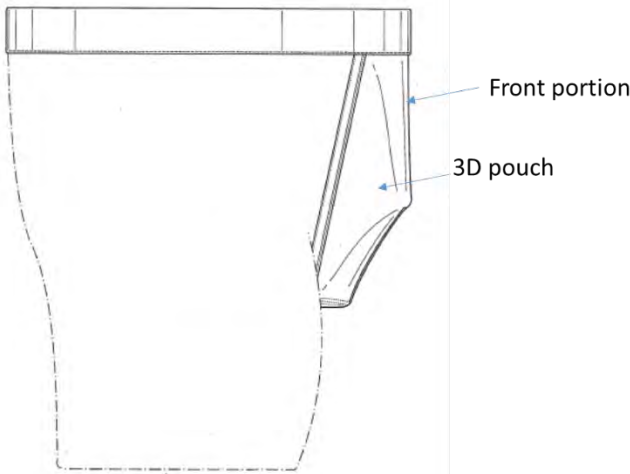
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p data-bbox="701 805 758 824">FIG. 3</p> <p data-bbox="522 841 1871 946">The '218 Publication discloses a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p> <p data-bbox="522 987 1883 1349">“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. . . . Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p> |

Exhibit E-2**Invalidity of U.S. Patent No. 9,687,030****Page 58 of 58**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products ("571 Patent") and/or Other Prior Art

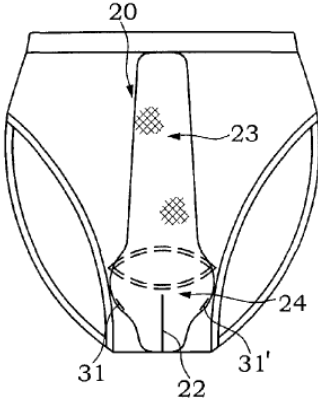
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p data-bbox="674 735 758 776">Fig.3</p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 1 of 42****Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Other Prior Art**

Upon information and belief, the disclosure of WO 01/37687 A1 (published May 31, 2001) (“WO 01/37687”) renders the asserted claims of U.S. Patent No. 10,034,496 obvious under 35 U.S.C. § 103 in view of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) (the “058 Design”), and alternatively in further view of U.S. Patent Publication 2009/0106874 (published April 30, 2009) (“874 Publication”), U.S. Patent 7,631,369 (issued Dec. 15, 2009; published as US 2007/0220660 on Sept. 27, 2007) (the “369 Patent”), International Publication No. WO 98/39981 (published Sept. 17, 1998) (“WO 98/39981”), U.S. Publication No. 2007/0277285 (published Dec. 6, 2007) (the “285 Publication”), European Patent Application No. EP 0 476 818 (published March 25, 1992) (“EP 0 476 818”), U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”), and/or U.S. Patent Publication No. 2004/0025218 (published Feb. 12, 2004) (“218 Publication”) as set forth in the chart below.

The following contentions are subject to revision and amendment pursuant to Federal Rule of Civil Procedure 26(e) and the Court Orders in this matter subject to further investigation and discovery regarding the references.

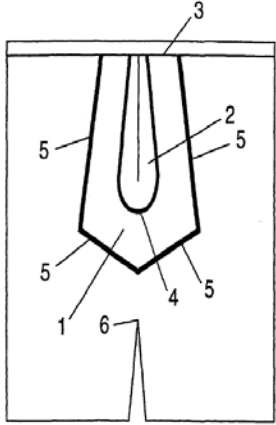
| Claim 1 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[1.pre] 1. A male garment comprising:</p> | <p>WO 01/37687 discloses a male garment. <i>See, e.g.,</i></p>  <p>“The invention relates to a hygienic elastic garment for men’s underwear, which forms part and is sewn to classic underpants.” Abstract.</p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 2 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

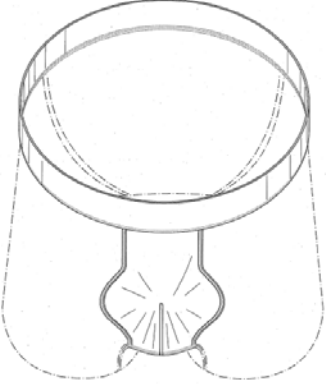
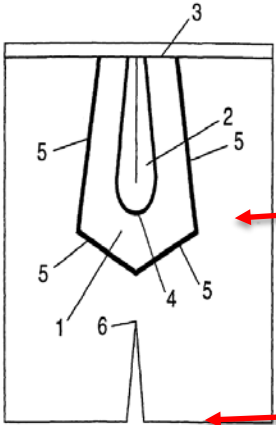
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| | <p>Furthermore, the ’058 Design discloses this limitation. <i>See, e.g.,</i></p>  <p style="text-align: center;">FIG. 1</p> |
| <p>[1.1] a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;</p> | <p>WO 01/37687 discloses a body including a front portion and having leg openings for a wearer's legs. <i>See, e.g.,</i></p>  <div style="position: absolute; top: 650px; left: 700px; border: 1px solid black; padding: 2px;">Body</div> <div style="position: absolute; top: 790px; left: 650px; border: 1px solid black; padding: 2px;">Leg Opening</div> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 3 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

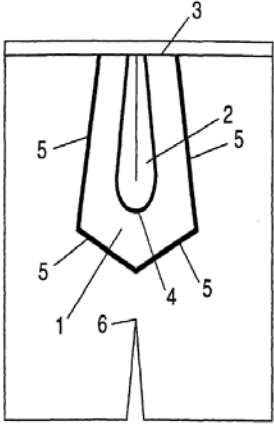
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>WO 01/37687 discloses a body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p>  <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a crotch panel extending between the leg openings and joined to the front portion along a first seam, one of ordinary skill in the art would, based on one's knowledge and WO 01/37687, understand how to modify WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The '058 Design discloses a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 4 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

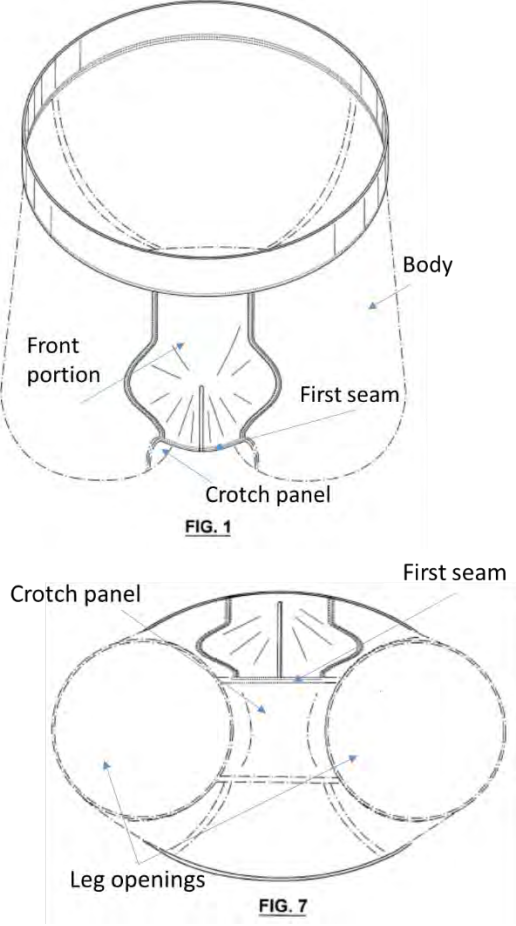
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>The figure contains two line drawings of a garment, labeled FIG. 1 and FIG. 7. FIG. 1 is a perspective view of the front of the garment, showing a 'Body' at the top, a 'Front portion' below it, and a 'Crotch panel' at the bottom. A 'First seam' is indicated where the front portion meets the crotch panel. FIG. 7 is a plan view of the garment, showing the 'Crotch panel' and 'First seam' at the top, and 'Leg openings' at the bottom. Arrows in both figures point to the specific features mentioned in the labels.</p> <p>The '369 Patent discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 5 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

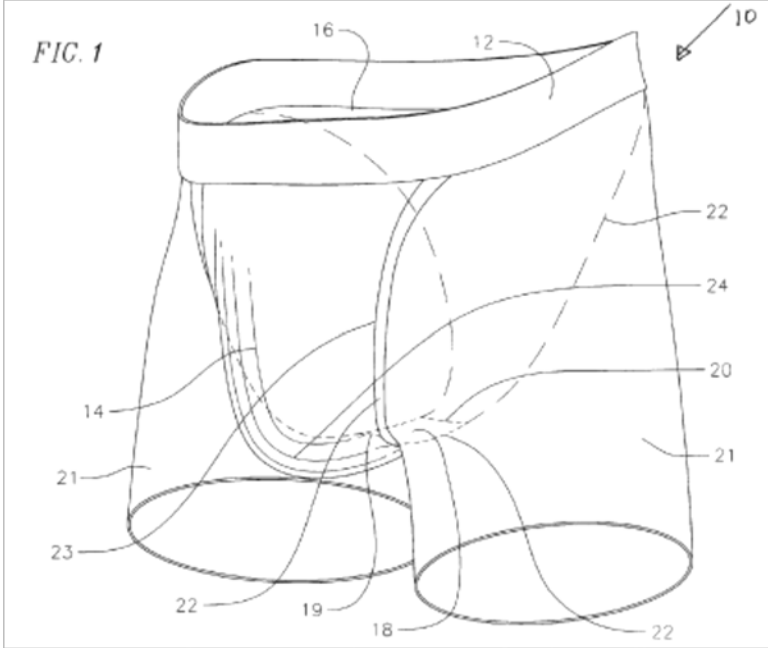
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“The stability anchor 18 connects the groin portion 14 to the back portion 16 by extending from the groin portion 14 to the back portion 16 while laterally following the contour of the inner thigh portions of the leg portions 20 and being connected to the leg portions 20.” (3:20-24)</p>  <p>WO 98/39981 discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 6 of 42****Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Other Prior Art**

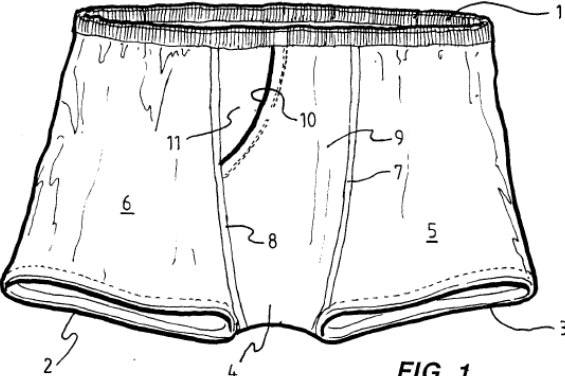
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“The style of the underpants providing an outer garment are conventional boxer shorts which is a style known and found to be very comfortable for normal usage. In accord with this embodiment there are full legs 2 and 3, and a joining panel 4 which is joined to leg panels 5 and 6 by seams 7 and 8. Seams 7 and 8 support a front panel 9 which is openable along the join at 10 and there is a back panel 11 behind this the joining edge of which is shown for instance in FIG 2 at 12 so that for normal purposes of relief, the penis can be manoeuvred between the several panels.” (3:22-4:4)</p>  <p>FIG. 1</p> |

Exhibit F-1

Invalidity of U.S. Patent No. 10,034,496

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

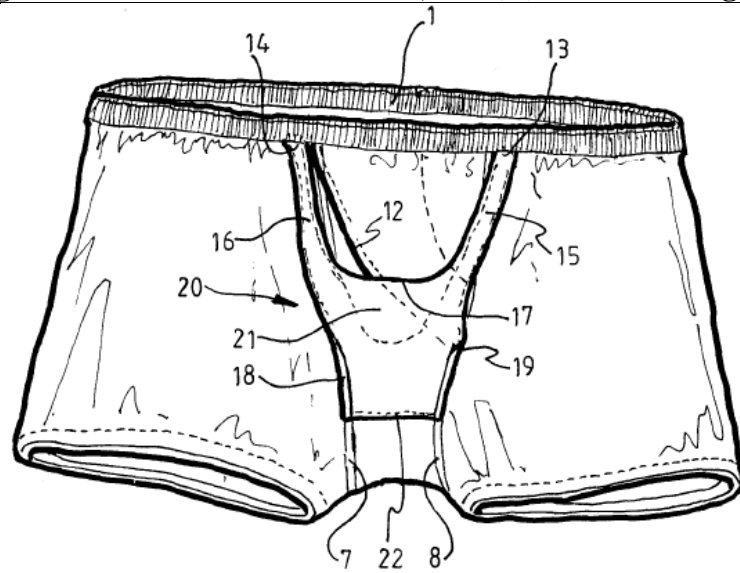
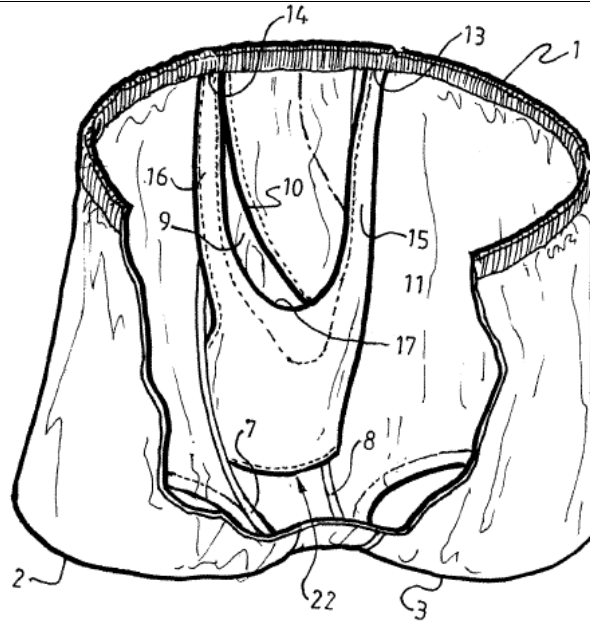


FIG. 2

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 8 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

Claim 1**Exemplary Disclosure in Prior Art****FIG. 4**

The '285 Publication discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. *See, e.g.,*

“[0028] FIG. 7 shows is a frontal perspective view of a second, alternative embodiment of the multipurpose undergarment in accordance with the invention. In this embodiment, the undergarment shown generally at 70 again includes front leg portions 71 and 72 with corresponding leg openings 78a and 78b and includes a conventional front opening (fly) 73 secured by stitching to the front panel as shown at 75.”

“[0029] Not unlike the embodiment depicted in FIG. 1, the top edge of the pouch as shown in FIG. 7 can be secured to the interior of the undergarment along the elastic waste band (shown generally at 79). The

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 9 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

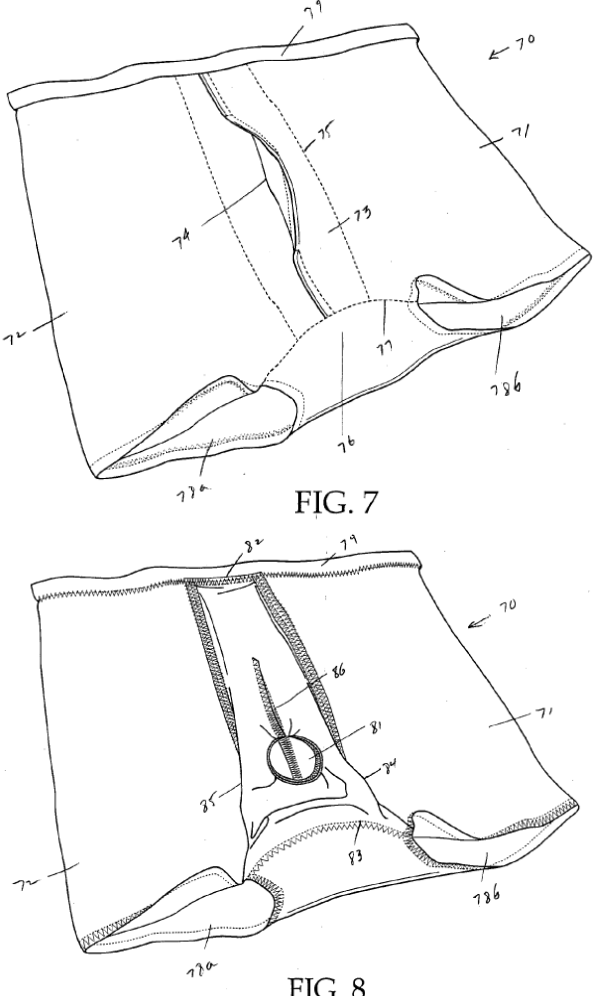
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>bottom edge can likewise be secured along the bottom portion 76 of the undergarment as shown along line 77.”</p>  <p>FIG. 7 is a perspective view of an undergarment 70. It shows a front panel 71 and a back panel 72. A waistband 74 is at the top. A crotch area 75 is shown with a seam 73. A bottom edge 76 is indicated. A side edge 77 is shown. A small detail 78 is visible near the bottom edge.</p> <p>FIG. 8 is a perspective view of the undergarment 70, showing a different configuration. It includes a waistband 74, a front panel 71, and a back panel 72. A crotch area 75 is shown with a seam 73. A bottom edge 76 is indicated. A small detail 78 is visible near the bottom edge. A circular feature 80 is shown on the front panel, with a vertical line 81 passing through it. A horizontal line 82 is also shown. A small detail 83 is visible near the bottom edge.</p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 10 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

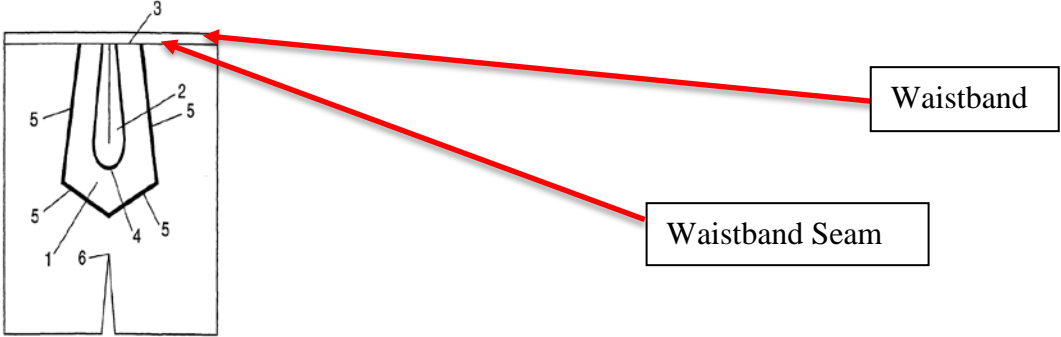
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| | During prosecution of U.S. Pat. No. 9,687,030, the Applicant did not dispute that the '285 Publication meets this element. (See Amendment, July 8, 2014, pages 6-7.) |
| [1.2] a waistband attached by a waistband seam at an upper edge of the body; | <p>WO 01/37687 discloses a waistband attached by a waistband seam at an upper edge of the body. <i>See, e.g.,</i></p>  <p>Furthermore, the '058 Design discloses this limitation. <i>See, e.g.,</i></p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 11 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

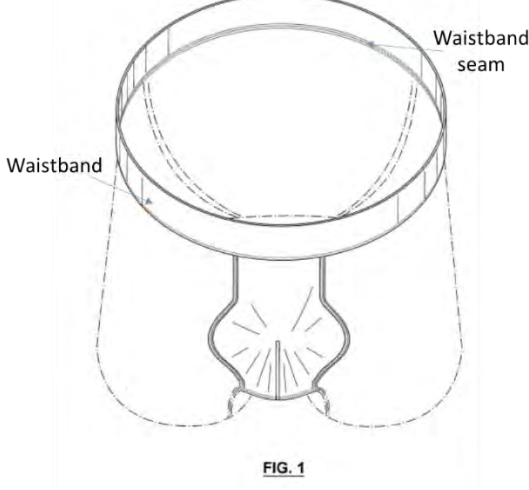
| Claim 1 | Exemplary Disclosure in Prior Art |
|---|---|
| |  <p>FIG. 1</p> |
| <p>[1.3] a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals,</p> | <p>WO 01/37687 discloses a stretch panel attached to the body inside the front portion. <i>See, e.g.,</i></p> |

Exhibit F-1

Invalidity of U.S. Patent No. 10,034,496

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;</p> | <div data-bbox="537 280 1480 844"> <p>The diagram shows a cross-section of a men's underwear garment. A central opening (2) is defined by a rounded bottom edge (3) and opposing side edges (4). The opening is surrounded by a stretch panel (5). The stretch panel is attached to the body of the garment (1) at a top location (6) and a bottom location (7). The side edges of the stretch panel are attached to the body of the garment at side seams (8) extending substantially continuously along either side of the front portion. A red arrow points from the text 'Stretch panel' to the stretch panel (5).</p> </div> <p>“The invention relates to a hygienic elastic garment for men’s underwear, which forms part and is sewn to classic underpants.” Abstract.</p> <p>“the garment is sewn to the inner front part of the underpants” Abstract.</p> <p>WO 01/37687 discloses a stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals. <i>See, e.g.,</i></p> <p>“elastic garment.” Abstract.</p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 13 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

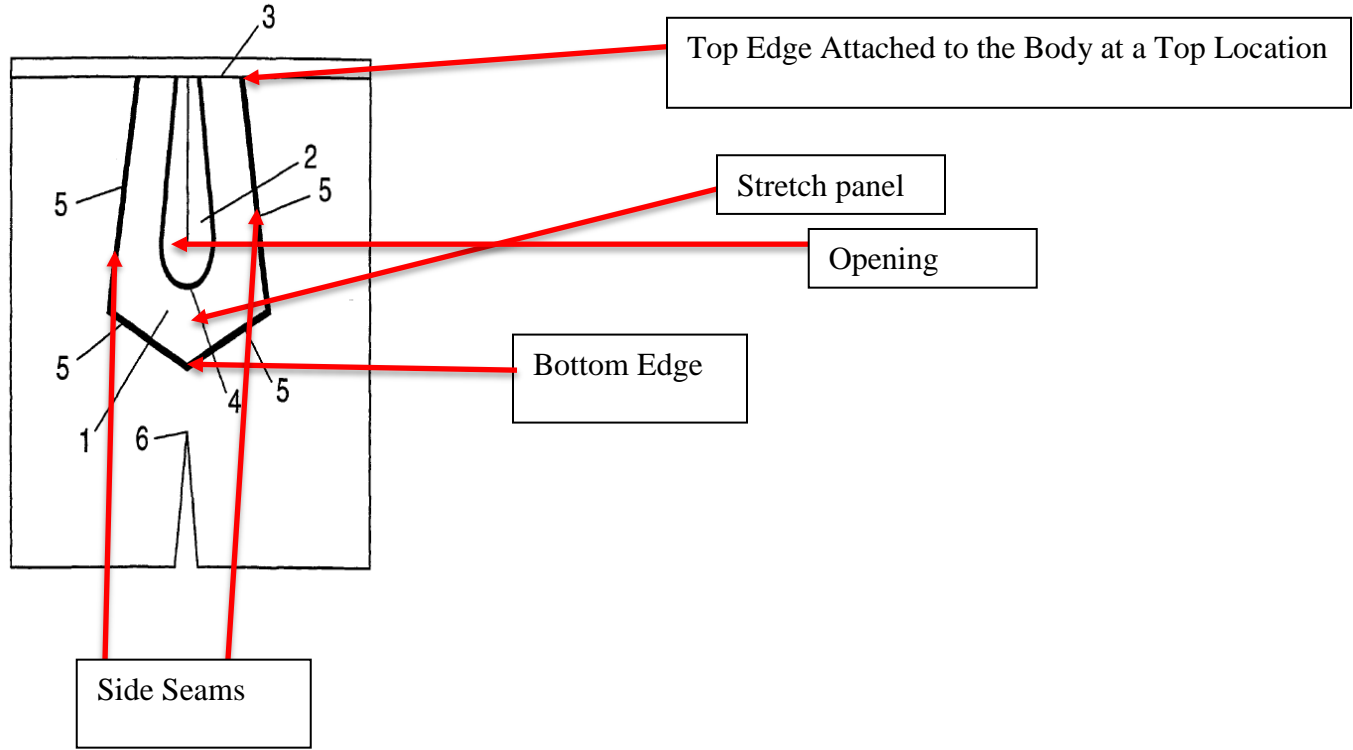
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The diagram shows a cross-sectional view of a garment with a central opening. Red arrows point from text boxes to specific features: 'Top Edge Attached to the Body at a Top Location' points to the top edge of the opening; 'Stretch panel' points to the side panels; 'Opening' points to the central void; 'Bottom Edge' points to the bottom edge of the opening; and 'Side Seams' points to the side panels. Numbers 1 through 6 label various parts: 1 is the left side panel, 2 is the right side panel, 3 is the top edge, 4 is the bottom edge, 5 is the side panels, and 6 is the bottom edge of the opening.</p> <p>WO 01/37687 discloses an opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See, e.g.,</i></p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 14 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

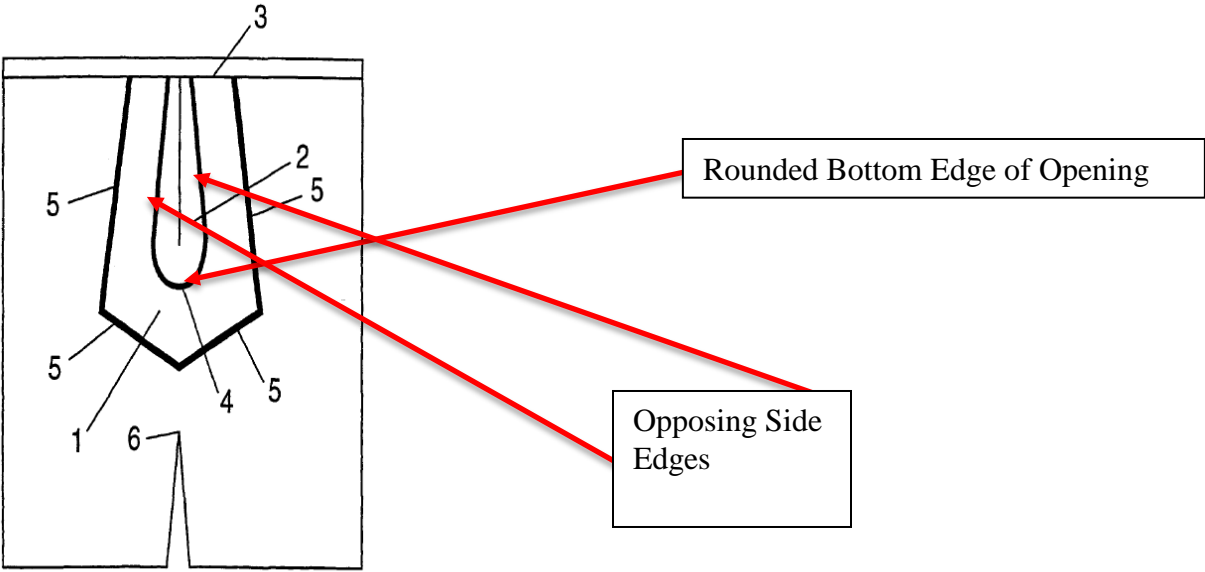
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>“It has a tear-shaped vertical opening.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’058 Design discloses a stretch panel attached to the body inside the front portion having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges</p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 15 of 42****Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art**

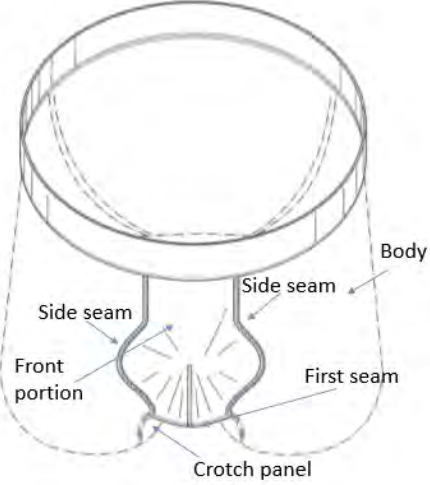
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See e.g.</i>,</p>  <p>FIG. 1</p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 16 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

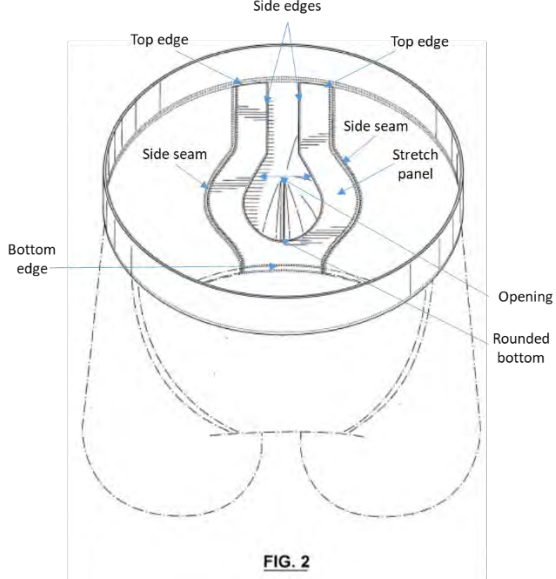
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| |  <p>FIG. 2</p> |
| <p>[1.4] the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, the stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width</p> | <p>WO 01/37687 discloses a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. <i>See, e.g.,</i></p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 17 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn.</p> | <div data-bbox="533 277 1423 789"> </div> <p>“elastic garment.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p>WO 01/37687 discloses a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams. <i>See, e.g.,</i></p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 18 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="533 280 804 703" data-label="Image"> </div> <p>The front portion of WO 01/37687 defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer's genitals.</p> <p>“By introducing the testicles through said opening, the base of said opening is located between the testicles and the groin. The testicles tend to be separated towards the front due to the fact that the garment is sewn to the inner front part of the underpants, thereby reducing contact and direct friction between the testicles and the groin.” Abstract.</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn, one of ordinary skill in the art would, based on one's knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

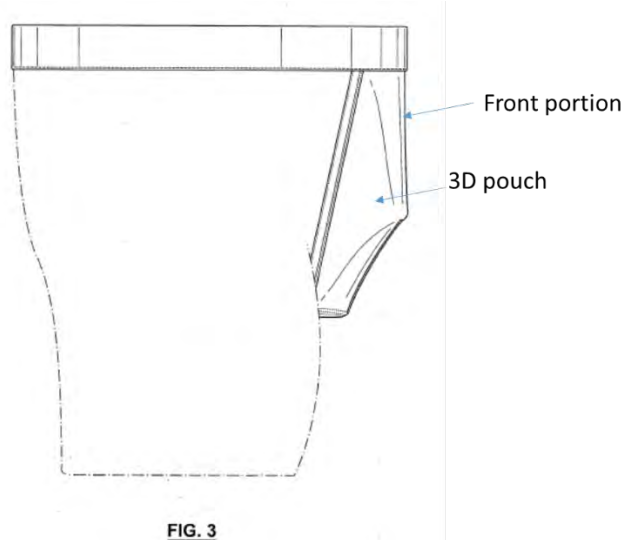
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>The ’058 Design discloses a front portion that defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn. <i>See e.g.</i>,</p> <div data-bbox="535 422 1155 958">  </div> <p>Alternatively, one of ordinary skill in the art would understand how to make a garment wherein the front portion is gathered from side-to-side and top-to-bottom by the stretch panel, wherein the stretch panel has a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams. For example, EP O 476 818 teaches a method of gathering from side-to-side and top-to-bottom by an elastic fabric. <i>See, e.g.</i>,</p> <p>“The garment now has a waist opening 31 and in accordance with the present invention, an elasticated band 32 is secured in face to face contact to a marginal portion 33 of the garment surrounding the waist opening 31. The band 32 is secured to the garment whilst in a tensioned condition (i.e. stretched condition)</p> |

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| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>so that on relaxation, the fabric of the marginal portion 33 is ruched thereby enabling the band to stretch when the garment is being worn.” (4:4-12)</p> <p>“The operative inserts the garment over the band, drops the presser foot 56, sews a pre-set number of stitches, typically two or three, after which the roller 59 drops automatically, and the metering device 62 automatically reverses to apply the pre-programmed tension to the band so that the ruched effect can be achieved.” (6:47-53)</p> |

| Claim 2 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[2] A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See, e.g.,</i></p> <p>“elastic garment.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p>To the extent Plaintiffs contend WO 01/37687, alone or in combination with the ’058 Design, does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’369 Patent discloses asymmetrical stretch characteristics of a fabric such that it stretches more easily in one direction and less easily in a direction at right angles to the first direction. <i>See, e.g.,</i></p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 21 of 42****Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art**

| Claim 2 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>“With reference to FIG. 3, the warp knit is generally known in the art for having strands 26 running substantially parallel along a direction 27 of the fabric. Lateral threads 28 running substantially perpendicular to the strands 26 and in a direction 29 encircle sets of two strands 26 at once. Each adjacent lateral thread 28 encircles one of the two strands 26 in the first set and one of the two strands 26 from the second set. This pattern is repeated throughout. The warp knit, by virtue of having parallel strands 26 along the direction 27 of the fabric, is resistant to stretch in the direction 27 when compared to other knitted fabrics, which may undesirably stretch. Thus, the warp knit fabric stretches less along the direction 27 than along the direction 29.” (2:40-52)</p> <p>“The warp knit fabric used to form the groin portion 14 can stretch a relatively greater amount in the horizontal direction, roughly parallel to the waistband, than in the vertical direction. The ability to stretch in the horizontal direction allows for the accommodation of different sizes and shapes of male genitals. The groin portion stretches in the horizontal direction to accommodate the genitals of the supporter user while maintaining slight pressure on the genitals in the horizontal direction, thus aiding the cupping and compression functions of the supporter 10.” (3:1-10)</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

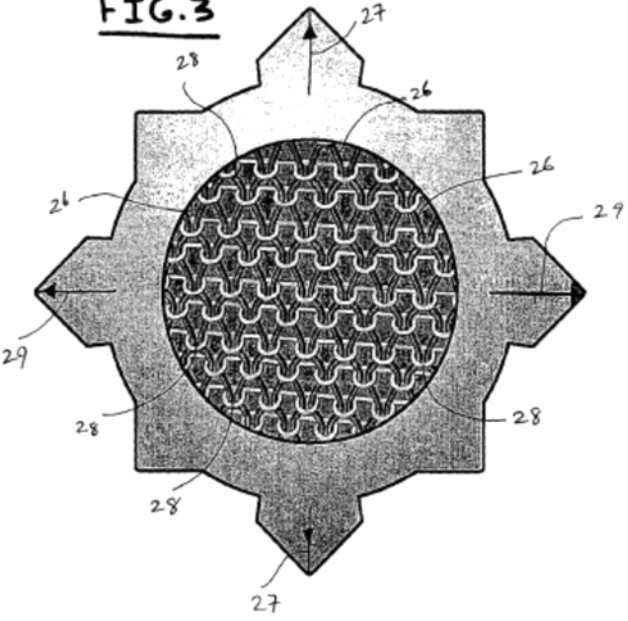
| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p data-bbox="655 313 779 354">FIG. 3</p>  <p data-bbox="520 954 1894 1060">The '874 Publication discloses a stretch panel [rear panel 114] that has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See e.g.</i>, [0022 and 0024].</p> <p data-bbox="520 1101 1843 1174">[0022] “In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable.”</p> <p data-bbox="520 1214 1344 1247">[0024] “The rear panel 114 is also comprised of the fabric 108.”</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

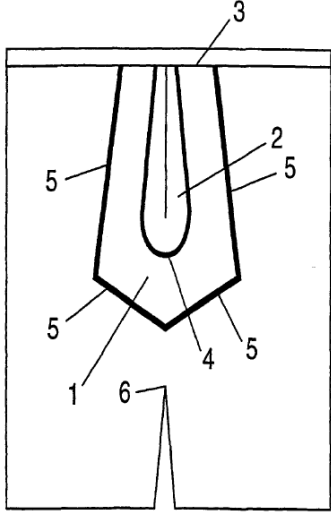
| Claim 3 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[3] A garment according to claim 1 wherein the stretch panel is rectangular and the opening is U-shaped.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a garment wherein the stretch panel has a rectangular shape and the opening is U-shaped. <i>See, e.g.,</i></p>  <p>“It has a tear-shaped vertical opening.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a rectangular stretch panel, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’058 Design discloses a garment wherein the stretch panel has a rectangular shape and the opening is U-shaped. <i>See e.g.,</i></p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 24 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

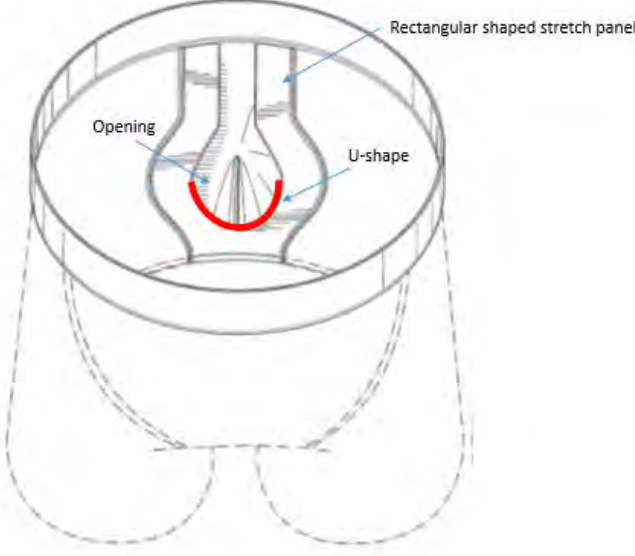
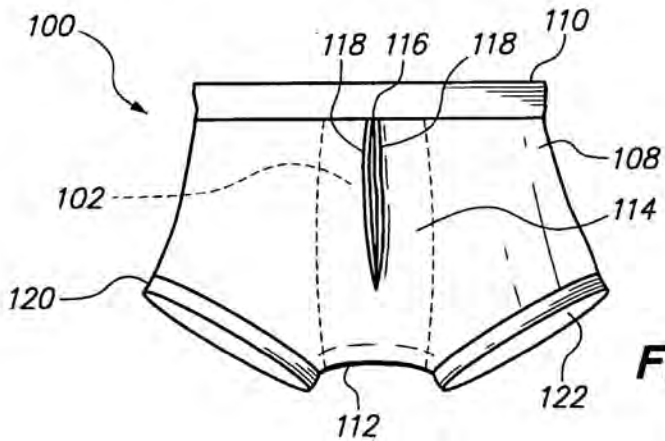
| Claim 3 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="745 860 808 885">FIG. 2</p> <p data-bbox="525 893 1806 933">The '874 Publication discloses a stretch panel [rear panel 114] that has a rectangular shape. <i>See e.g.,</i></p>  <p data-bbox="1176 1282 1323 1331">FIG. 2</p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 25 of 42****Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art**

| Claim 4 | Exemplary Disclosure in Prior Art |
|--|--|
| [4] A garment according to claim 3 wherein the stretch panel comprises a fabric having a stretch of at least 30%. | <p>See above regarding claim 3.</p> <p>WO 01/37687 disclose a stretch panel comprising a fabric having a stretch of at least 30%. <i>See, e.g.,</i> “elastic garment.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p>To the extent Plaintiffs contend WO 01/37687, alone or in combination with the ’058 Design, does not expressly, implicitly, or inherently disclose the stretch panel comprising a fabric having a stretch of at least 30%, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation.</p> |

| Claim 5 | Exemplary Disclosure in Prior Art |
|---|--|
| [5] A garment according to claim 1 wherein the top location is the waistband seam and the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%. | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a garment where the top location is the waistband seam and the bottom location is the first seam. <i>See, e.g.,</i></p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="537 277 1430 735"> </div> <div data-bbox="1184 293 1430 381"> <p>Waistband seam</p> </div> <p data-bbox="520 808 1894 917">WO 01/37687 discloses that the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%. <i>See, e.g.,</i></p> <div data-bbox="537 954 806 1380"> </div> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 27 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>“elastic garment.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a garment where the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’058 Design is a garment where the top location is the waistband seam and the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%. <i>See e.g.,</i></p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 28 of 42****Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art**

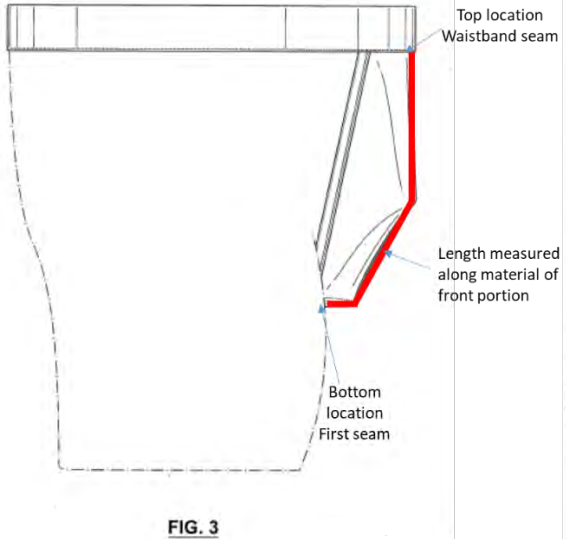
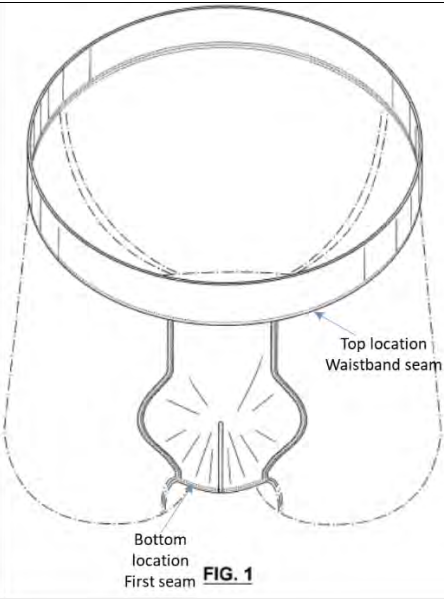
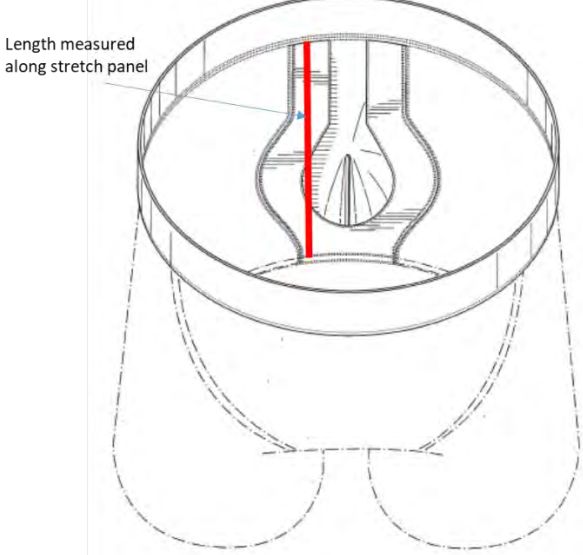
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="541 300 1102 836"><p data-bbox="703 812 766 836">FIG. 3</p></div> <div data-bbox="1102 272 1543 870"><p data-bbox="1291 828 1354 852">FIG. 1</p></div> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 29 of 42**

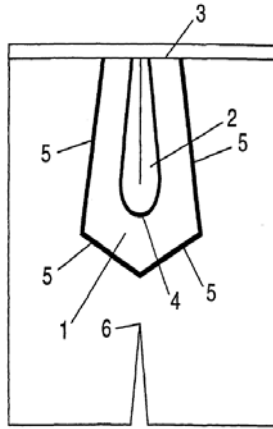
Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|----------------|---|
| |  <p data-bbox="856 868 913 893">FIG. 2</p> |

| Claim 6 | Exemplary Disclosure in Prior Art |
|--|--|
| <p data-bbox="121 1063 493 1161">[6] A garment according to claim 1 wherein the garment is a pair of undershorts.</p> | <p data-bbox="525 1063 892 1088">See above regarding claim 1.</p> <p data-bbox="525 1128 1239 1161">WO 01/37687 discloses a pair of undershorts. <i>See, e.g.,</i></p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 30 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

Claim 6**Exemplary Disclosure in Prior Art**

Further, the '058 Design discloses this limitation. *See e.g.*,

“Men’s Undergarment” (Title)

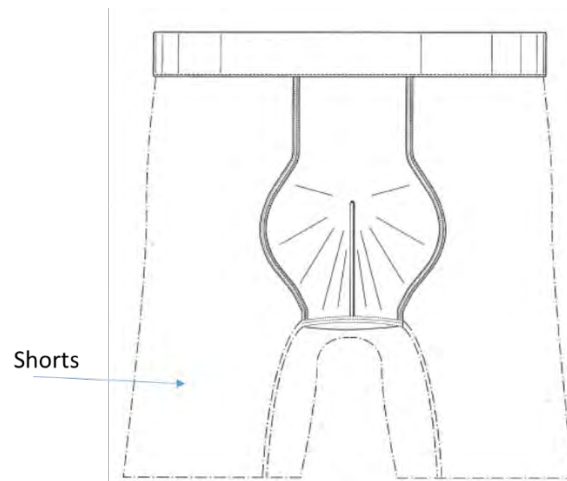


FIG. 4

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 31 of 42****Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art**

| Claim 7 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[7] A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.</i>,</p> <p>“The invention relates to a hygienic elastic garment for men’s underwear, which forms part and is sewn to classic underpants.” Abstract.</p> <p>To the extent Plaintiffs contend WO 01/37687, alone or in combination with the ’058 Design, does not expressly, implicitly, or inherently disclose a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’571 Patent discloses the stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.</i>,</p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™. Pouch 18 may be of a material containing 82% polyester and 18% Spandex™. In one embodiment, the balance of brief 10 is of the same material, however in an alternative embodiment, the balance of brief 10 is made of a 92% cotton, 8% Spandex™ fabric.” (4:25-33)</p> |
| Claim 8 | Exemplary Disclosure in Prior Art |
| <p>[8] A garment according to claim 1 wherein the opening has a width in excess of 2 cm.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses an opening with a width in excess of 2 cm. <i>See, e.g.</i>,</p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 32 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

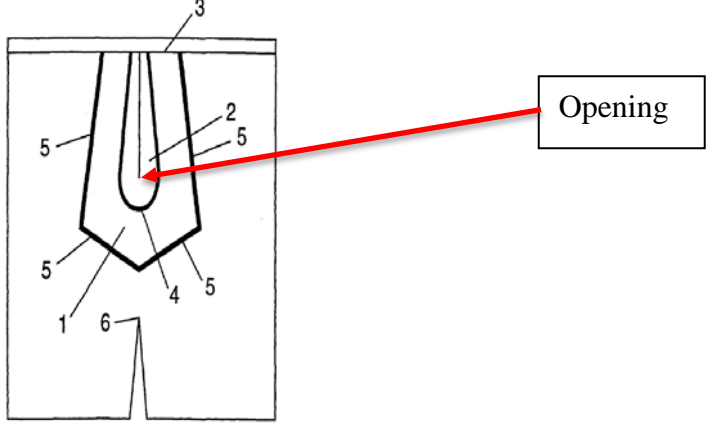
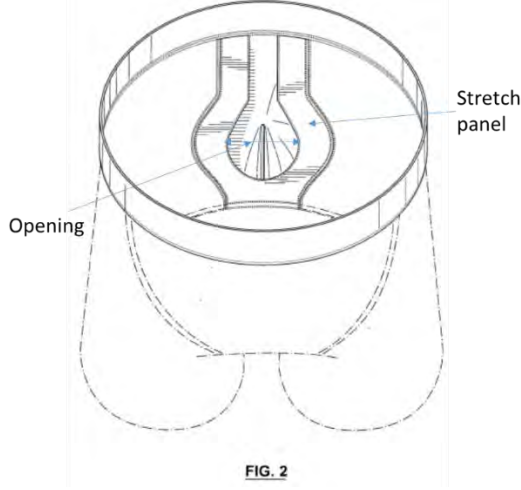
| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>The diagram shows a cross-sectional view of a device. A central opening is labeled 'Opening' with a red arrow pointing to it. The opening is surrounded by a structure labeled '5'. Other parts are labeled with numbers: 1, 2, 3, 4, and 6. The device appears to be a container or a chamber with a central opening.</p> <p>“By introducing the testicles through said opening...” Abstract.</p> <p>Furthermore, the ’058 Design discloses this limitation. <i>See, e.g.,</i></p>  <p>FIG. 2 shows a perspective view of a device. It has a circular top with a central opening. The opening is labeled 'Opening'. The top surface is labeled 'Stretch panel'. The device has a flared base and a central opening that leads to a chamber.</p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 33 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Other Prior Art

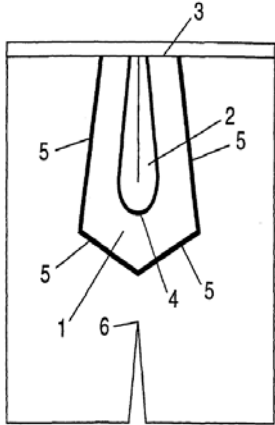
| Claim 9 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[9] A garment according to claim 1 wherein: the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p>  <p>“It has a tear-shaped vertical opening extending from the elastic on the waistband of the underpants.” Abstract.</p> <p>“By introducing the testicles through said opening, the base of said opening is located between the testicles and the groin.” Abstract.</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch, one of ordinary skill in the art would, based on one's</p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 34 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

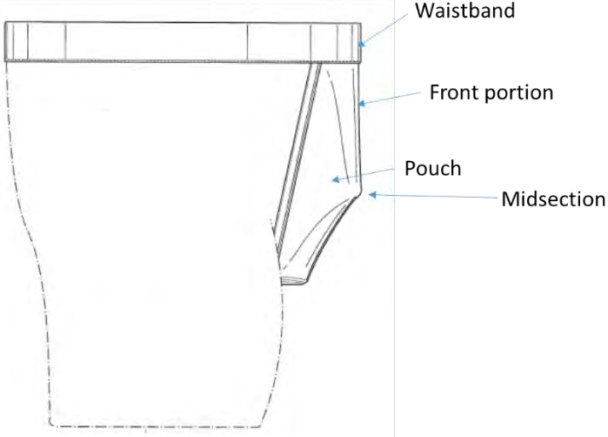
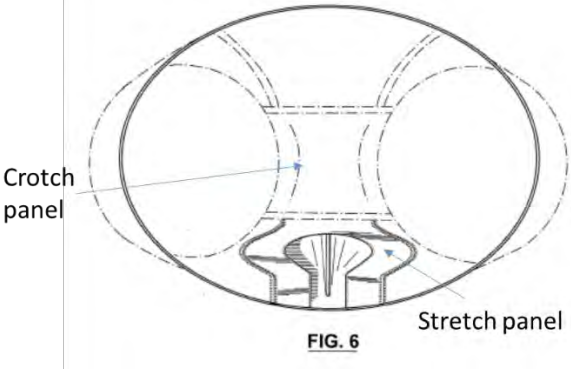
| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’058 Design discloses a stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p>  <p style="text-align: center;">FIG. 3</p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 35 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>FIG. 6</p> |

| Claim 10 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p>“elastic garment.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose elastically resilient four-way stretch material comprised of a spandex blend, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’218 Publication discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 36 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

| Claim 10 | Exemplary Disclosure in Prior Art |
|----------|--|
| | <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> |

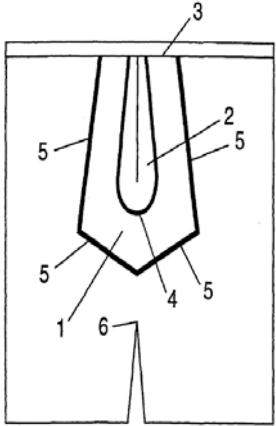
| Claim 13 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[13] A garment according to claim 1 wherein the opening has a U-shape when the stretch panel is in a relaxed state.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses an opening with a U-shape when the stretch panel is in a relaxed state.</p>  <p>“It has a tear-shaped vertical opening extending from the elastic on the waistband of the underpants.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> |

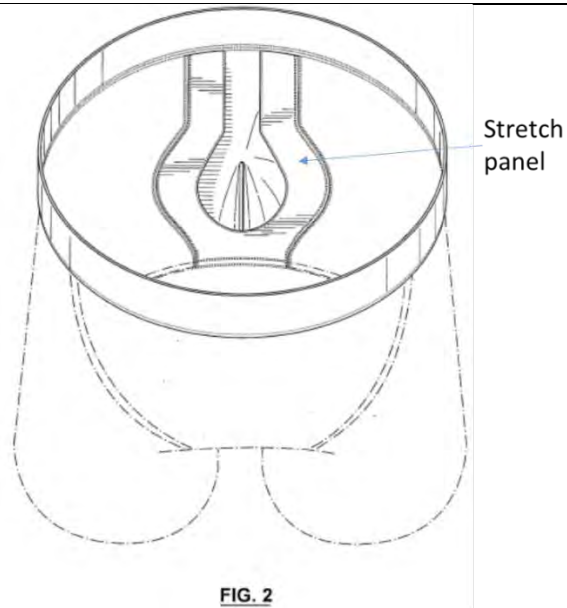
Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 37 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

| Claim 14 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>[14] A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a stretch panel formed from a single unitary piece of woven fabric. <i>See, e.g.,</i></p> <p>“The invention relates to a hygienic elastic garment for men's underwear.” Abstract.</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’058 Design discloses a stretch panel formed from a single unitary piece of fabric. <i>See e.g.,</i></p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 38 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

Claim 14**Exemplary Disclosure in Prior Art**

The '874 Publication discloses a stretch panel [rear panel 114] formed from a single unitary piece of woven fabric [fabric 108]. *See e.g.,*

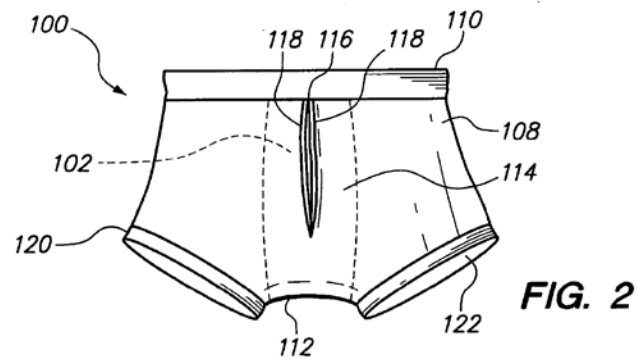


Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 39 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Other Prior Art

| Claim 14 | Exemplary Disclosure in Prior Art |
|----------|--|
| | <p>[0022] “In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable.”</p> <p>[0024] “The rear panel 114 is also comprised of the fabric 108.”</p> |

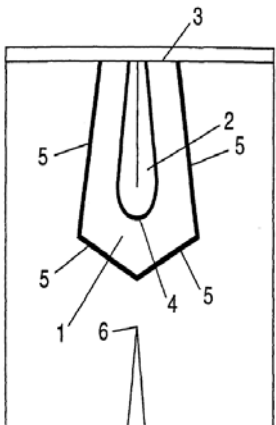
| Claim 15 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[15] A garment according to claim 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 includes a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p>  <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687</p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 40 of 42****Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art**

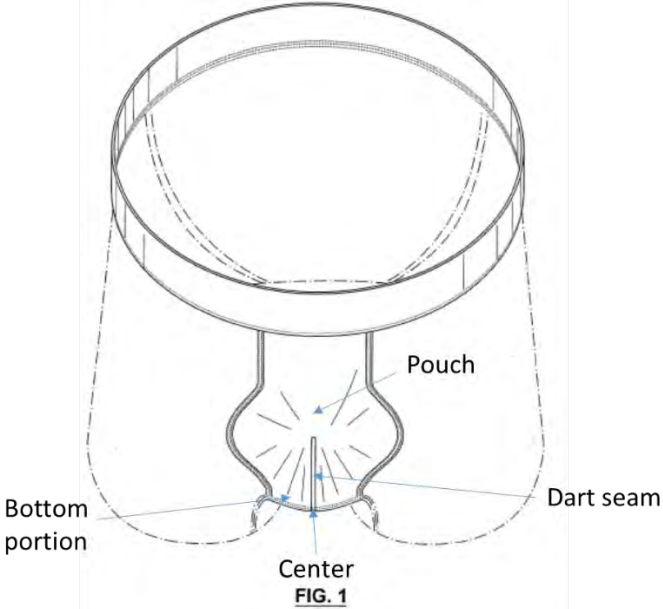
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|---|
| | <p>to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation. <i>See, e.g.,</i></p> <p>The ’058 Design discloses a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p>  <p style="text-align: center;">FIG. 1</p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 41 of 42**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

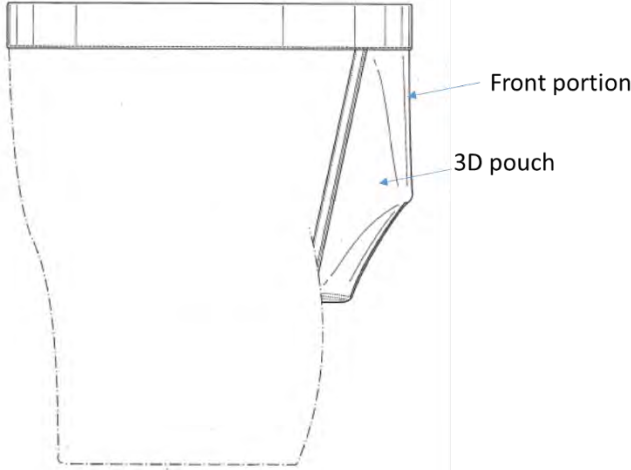
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|---|
| |  <p data-bbox="701 805 758 824">FIG. 3</p> <p data-bbox="522 841 1871 946">The '218 Publication discloses a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p> <p data-bbox="522 987 1885 1349">“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. . . . Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p> |

Exhibit F-1**Invalidity of U.S. Patent No. 10,034,496****Page 42 of 42****Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art**

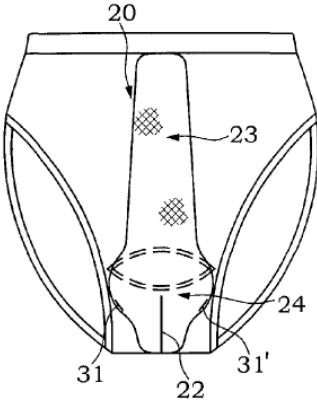
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p data-bbox="674 735 762 776">Fig.3</p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 1 of 40****Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Other Prior Art**

Upon information and belief, the disclosure of WO 01/37687 A1 (published May 31, 2001) (“WO 01/37687”) renders the asserted claims of U.S. Patent No. 9,687,030 obvious under 35 U.S.C. § 103 in view of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) (the “058 Design”), and alternatively in further view of U.S. Patent Publication 2009/0106874 (published April 30, 2009) (“874 Publication”), U.S. Patent 7,631,369 (issued Dec. 15, 2009; published as US 2007/0220660 on Sept. 27, 2007) (the “369 Patent”), International Publication No. WO 98/39981 (published Sept. 17, 1998) (“WO 98/39981”), U.S. Publication No. 2007/0277285 (published Dec. 6, 2007) (the “285 Publication”), European Patent Application No. EP 0 476 818 (published March 25, 1992) (“EP 0 476 818”), U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“571 Patent”), and/or U.S. Patent Publication No. 2004/0025218 (published Feb. 12, 2004) (“218 Publication”) as set forth in the chart below.

The following contentions are subject to revision and amendment pursuant to Federal Rule of Civil Procedure 26(e) and the Court Orders in this matter subject to further investigation and discovery regarding the references.

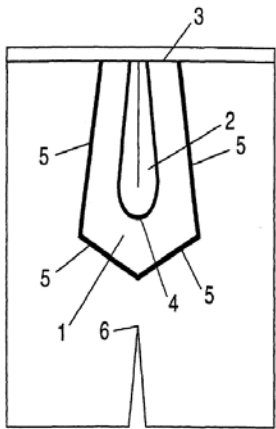
| Claim 1 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[1.pre] 1. A male garment comprising:</p> | <p>WO 01/37687 discloses a male garment. <i>See, e.g.,</i></p>  <p>“The invention relates to a hygienic elastic garment for men’s underwear, which forms part and is sewn to classic underpants.” Abstract.</p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 2 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

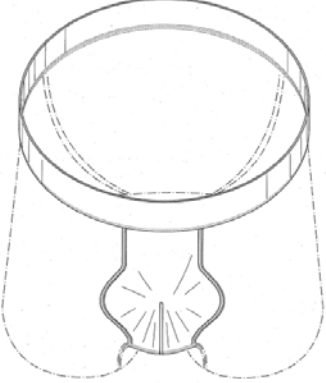
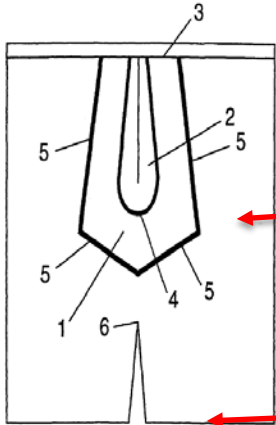
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| | <p>Furthermore, the ’058 Design discloses this limitation. <i>See, e.g.,</i></p>  <p style="text-align: center;">FIG. 1</p> |
| <p>[1.1] a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam;</p> | <p>WO 01/37687 discloses a body including a front portion and having leg openings for a wearer's legs. <i>See, e.g.,</i></p>  <div style="position: absolute; top: 670px; left: 690px; border: 1px solid black; padding: 2px;">Body</div> <div style="position: absolute; top: 810px; left: 650px; border: 1px solid black; padding: 2px;">Leg Opening</div> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 3 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>WO 01/37687 discloses a body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a crotch panel extending between the leg openings and joined to the front portion along a first seam, one of ordinary skill in the art would, based on one's knowledge and WO 01/37687, understand how to modify WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The '058 Design discloses a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 4 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

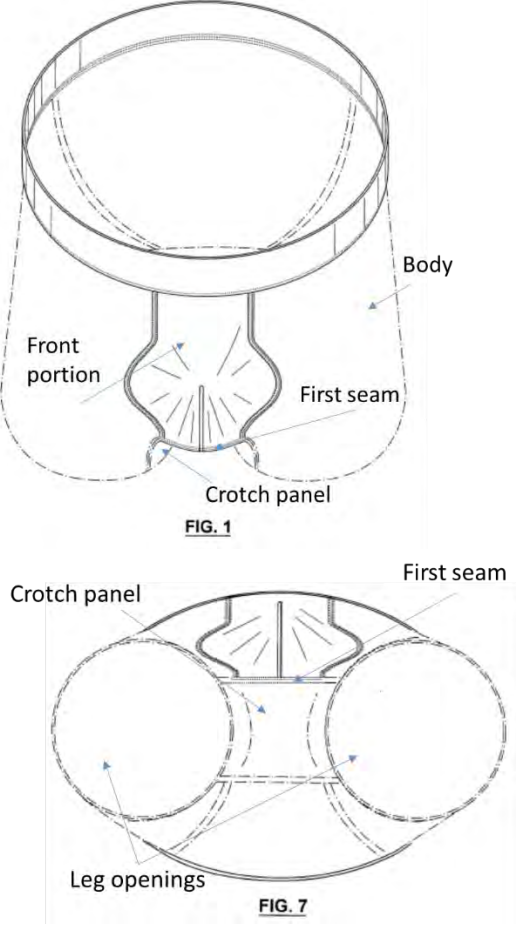
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The diagrams illustrate a garment design. FIG. 1 is a perspective view of a body portion of the garment, showing a front portion, a crotch panel, and a first seam. FIG. 7 is a perspective view of the garment showing the crotch panel, first seam, and leg openings.</p> <p>The '369 Patent discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 5 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

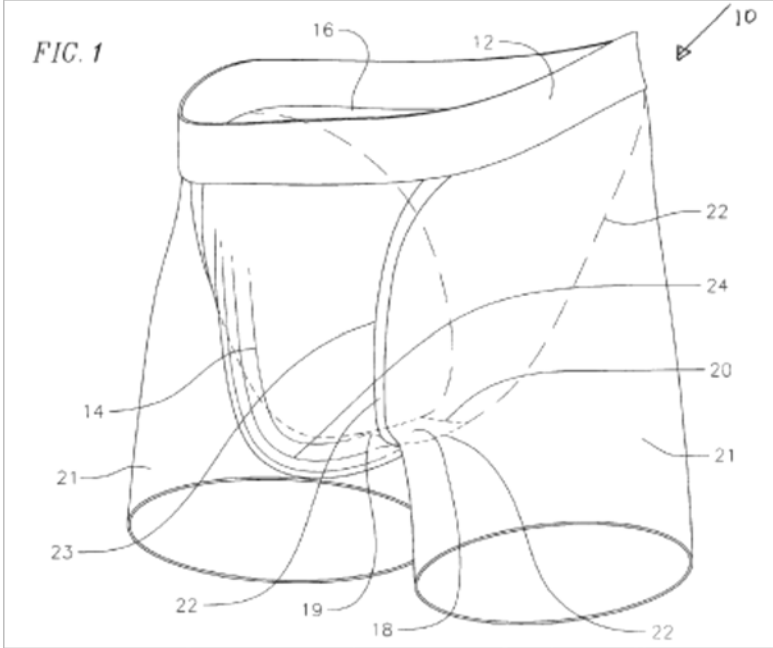
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“The stability anchor 18 connects the groin portion 14 to the back portion 16 by extending from the groin portion 14 to the back portion 16 while laterally following the contour of the inner thigh portions of the leg portions 20 and being connected to the leg portions 20.” (3:20-24)</p>  <p>WO 98/39981 discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> |

Exhibit F-2

Invalidity of U.S. Patent No. 9,687,030

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

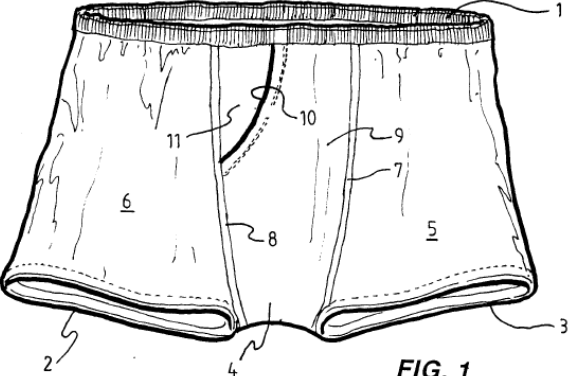
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“The style of the underpants providing an outer garment are conventional boxer shorts which is a style known and found to be very comfortable for normal usage. In accord with this embodiment there are full legs 2 and 3, and a joining panel 4 which is joined to leg panels 5 and 6 by seams 7 and 8. Seams 7 and 8 support a front panel 9 which is openable along the join at 10 and there is a back panel 11 behind this the joining edge of which is shown for instance in FIG 2 at 12 so that for normal purposes of relief, the penis can be manoeuvred between the several panels.” (3:22-4:4)</p>  <p>FIG. 1</p> |

Exhibit F-2

Invalidity of U.S. Patent No. 9,687,030

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

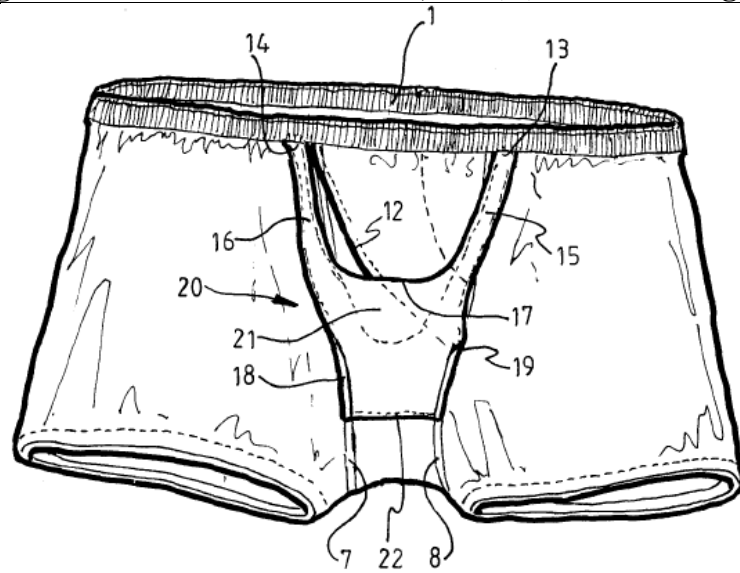


FIG. 2

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

Claim 1

Exemplary Disclosure in Prior Art

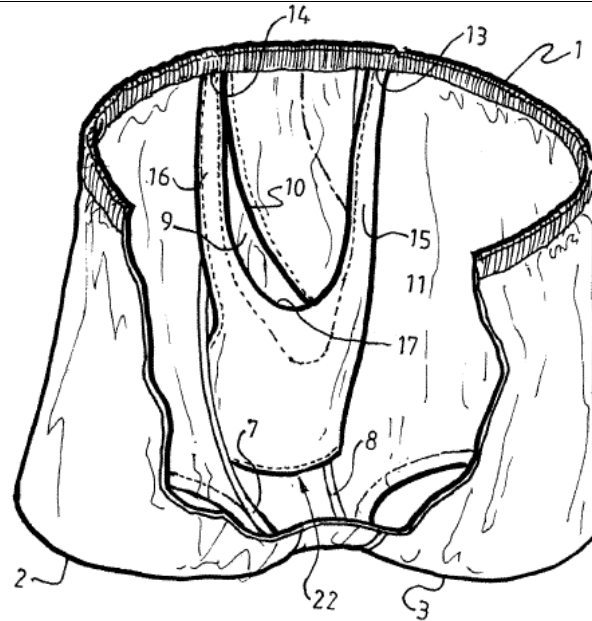


FIG. 4

The '285 Publication discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. *See, e.g.,*

“[0028] FIG. 7 shows is a frontal perspective view of a second, alternative embodiment of the multipurpose undergarment in accordance with the invention. In this embodiment, the undergarment shown generally at 70 again includes front leg portions 71 and 72 with corresponding leg openings 78a and 78b and includes a conventional front opening (fly) 73 secured by stitching to the front panel as shown at 75.”

“[0029] Not unlike the embodiment depicted in FIG. 1, the top edge of the pouch as shown in FIG. 7 can be secured to the interior of the undergarment along the elastic waste band (shown generally at 79). The

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 9 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

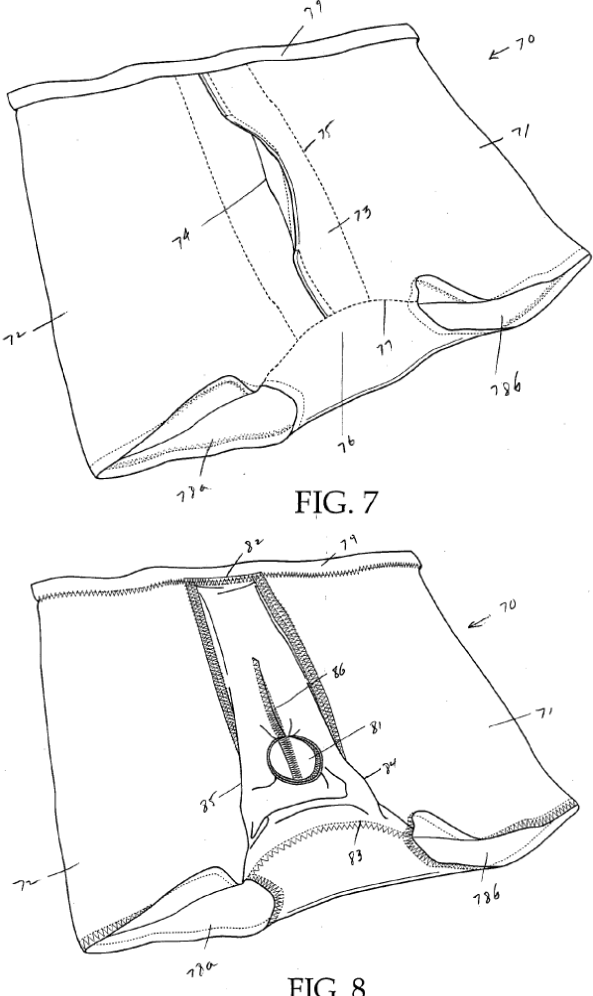
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>bottom edge can likewise be secured along the bottom portion 76 of the undergarment as shown along line 77.”</p>  <p>FIG. 7 is a perspective view of an undergarment 70. It shows a front panel 71 and a back panel 72. A waistband 74 is at the top. A crotch area 75 is shown with a seam 76. A bottom edge 77 is indicated. A side panel 78 is also shown.</p> <p>FIG. 8 is a perspective view of the same undergarment 70, showing a different configuration. It includes a waistband 82, a front panel 81, and a back panel 83. A crotch area 84 is shown with a seam 85. A bottom edge 86 is indicated. A side panel 87 is also shown.</p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 10 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

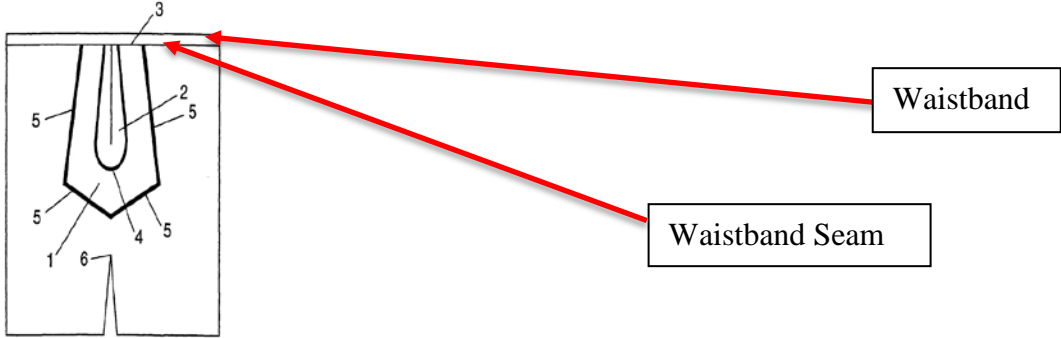
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| | During prosecution of U.S. Pat. No. 9,687,030, the Applicant did not dispute that the ’285 Publication meets this element. (See Amendment, July 8, 2014, pages 6-7.) |
| [1.2] a waistband attached by a waistband seam at an upper edge of the body; | <p>WO 01/37687 discloses a waistband attached by a waistband seam at an upper edge of the body. <i>See, e.g.,</i></p>  <p>Furthermore, the ’058 Design discloses this limitation. <i>See, e.g.,</i></p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 11 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

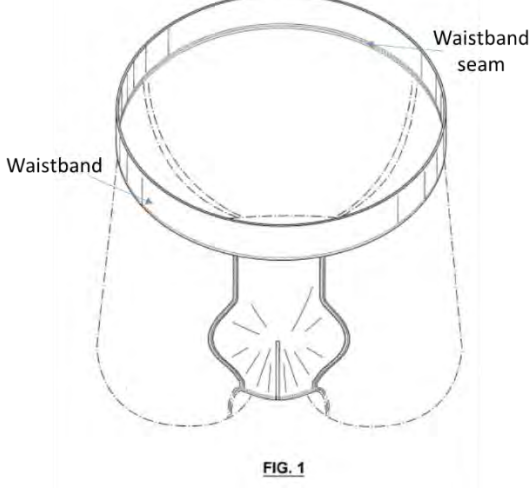
| Claim 1 | Exemplary Disclosure in Prior Art |
|---|---|
| |  |
| <p>[1.3] a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam and an</p> | <p>WO 01/37687 discloses a stretch panel attached to the body inside the front portion. <i>See, e.g.,</i></p> |

Exhibit F-2

Invalidity of U.S. Patent No. 9,687,030

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;</p> | <div data-bbox="537 280 1480 844"> <p>The diagram shows a cross-section of a men's underwear garment. A central opening (2) is defined by a rounded bottom edge (3) and side edges (4). A stretch panel (5) is shown as a shaded area surrounding the opening. A red arrow points from the text 'Stretch panel' to the shaded area. Other labels include 1 (waistband), 6 (seam), and 4 (side edges).</p> </div> <p>“The invention relates to a hygienic elastic garment for men’s underwear, which forms part and is sewn to classic underpants.” Abstract.</p> <p>“the garment is sewn to the inner front part of the underpants” Abstract.</p> <p>WO 01/37687 discloses a stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion to the waistband seam and an opening for receiving a wearer's genitals. <i>See, e.g.,</i></p> <p>“elastic garment.” Abstract.</p> |

Exhibit F-2

Invalidity of U.S. Patent No. 9,687,030

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

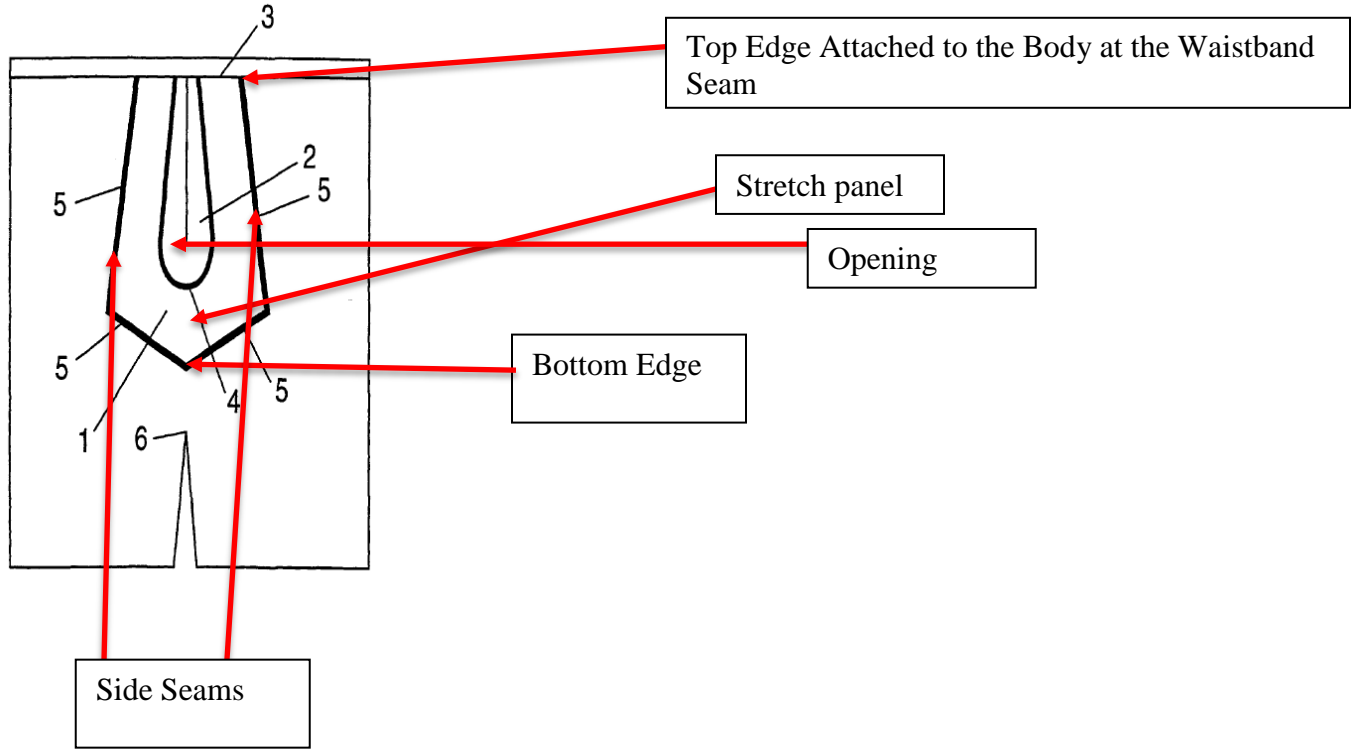
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The diagram illustrates a garment, likely a pair of pants or shorts, with a central opening. The opening has a rounded bottom edge and is flanked by side seams. The top edge of the garment is attached to a waistband. A stretch panel is located on the side of the opening. The diagram is labeled with numbers 1 through 6 and text boxes with arrows pointing to specific features.</p> <ul style="list-style-type: none"> 3: Top Edge Attached to the Body at the Waistband Seam 2: Stretch panel 5: Opening 4: Bottom Edge 1, 6: Side Seams <p>WO 01/37687 discloses an opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See, e.g.,</i></p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 14 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

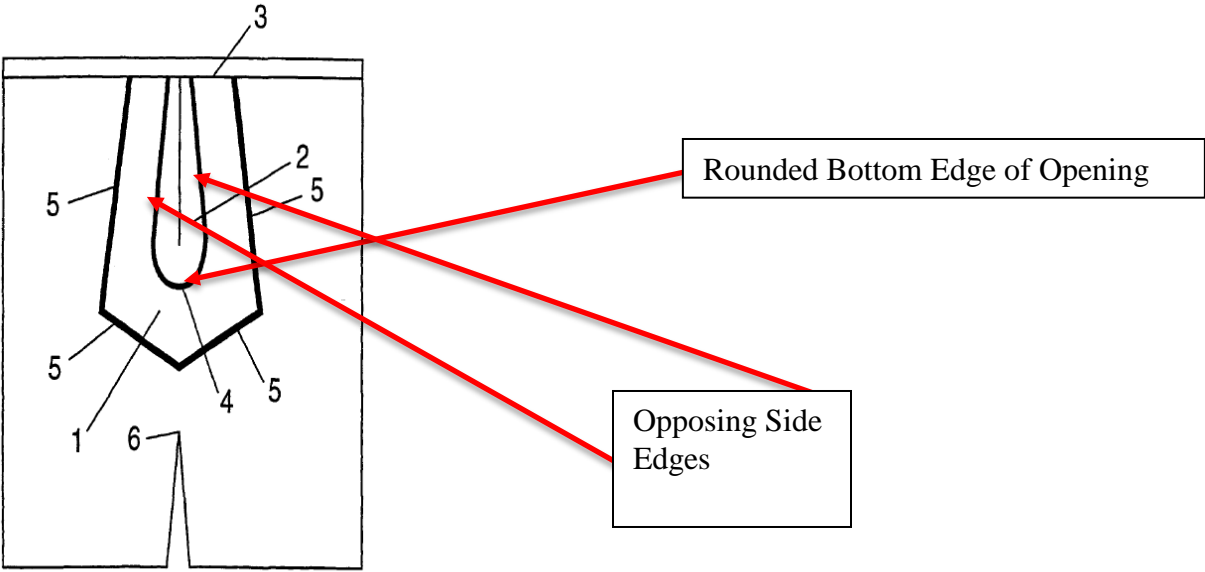
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="1220 418 1738 475">Rounded Bottom Edge of Opening</p> <p data-bbox="1150 667 1388 800">Opposing Side Edges</p> <p data-bbox="527 889 1157 922">“It has a tear-shaped vertical opening.” Abstract.</p> <p data-bbox="527 963 1623 995">“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p data-bbox="527 1036 1902 1287">To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose elastically resilient four-way stretch material having a bottom edge attached at the first seam and/or side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p data-bbox="527 1328 1902 1395">The ’058 Design discloses a stretch panel attached to the body inside the front portion having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to</p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 15 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

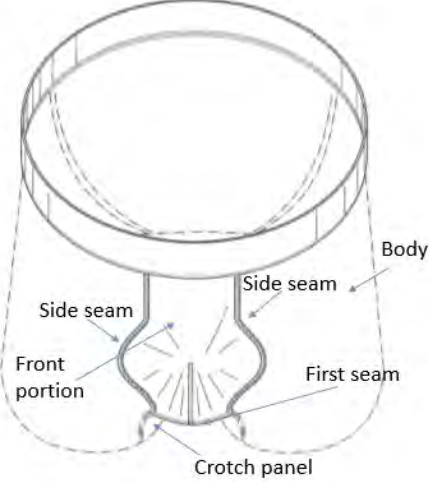
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See e.g.</i>,</p>  <p style="text-align: center;">FIG. 1</p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 16 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

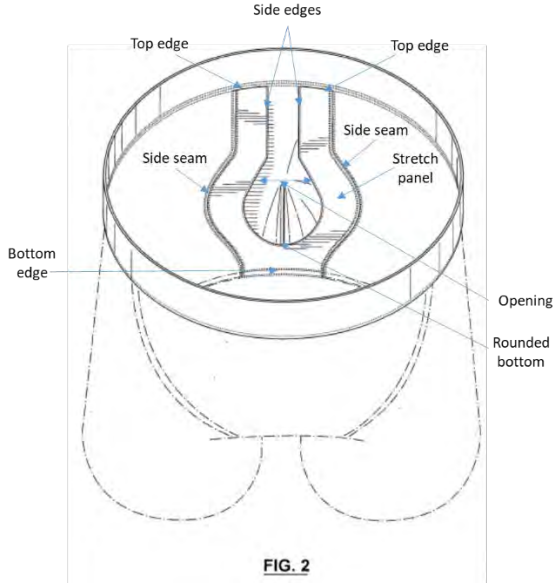
| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| |  <p style="text-align: center;">FIG. 2</p> |
| <p>[1.4] the stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges, the stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a</p> | <p>WO 01/37687 discloses a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. <i>See, e.g.,</i></p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 17 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn.</p> | <div data-bbox="533 280 1423 792"> </div> <p>“elastic garment.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p>WO 01/37687 discloses a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams. <i>See, e.g.,</i></p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 18 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

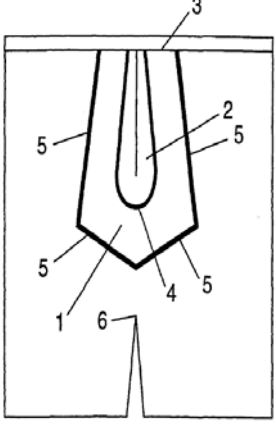
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The front portion of WO 01/37687 defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer's genitals.</p> <p>“By introducing the testicles through said opening, the base of said opening is located between the testicles and the groin. The testicles tend to be separated towards the front due to the fact that the garment is sewn to the inner front part of the underpants, thereby reducing contact and direct friction between the testicles and the groin.” Abstract.</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion, one of ordinary skill in the art would, based on one's knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 19 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

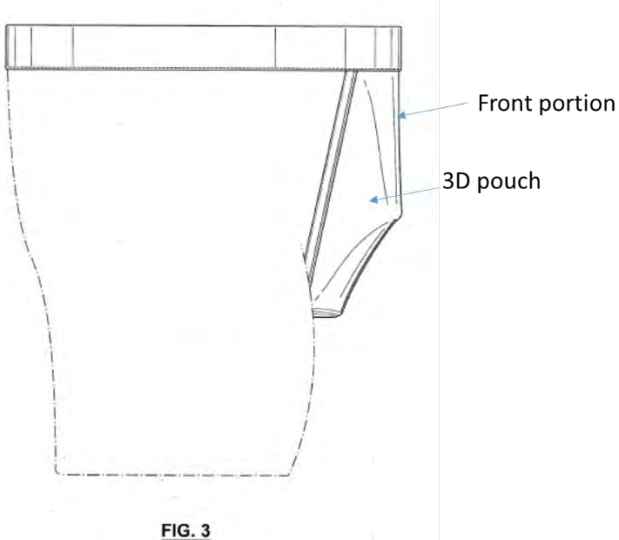
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>The ’058 Design discloses a front portion that defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn. <i>See e.g.</i>,</p> <div data-bbox="541 422 1155 958">  </div> <p>Alternatively, one of ordinary skill in the art would understand how to make a garment wherein the front portion is gathered from side-to-side and top-to-bottom by the stretch panel, wherein the stretch panel has a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams. For example, EP O 476 818 teaches a method of gathering from side-to-side and top-to-bottom by an elastic fabric. <i>See, e.g.</i>,</p> <p>“The garment now has a waist opening 31 and in accordance with the present invention, an elasticated band 32 is secured in face to face contact to a marginal portion 33 of the garment surrounding the waist opening 31. The band 32 is secured to the garment whilst in a tensioned condition (i.e. stretched condition)</p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 20 of 40****Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art**

| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>so that on relaxation, the fabric of the marginal portion 33 is ruched thereby enabling the band to stretch when the garment is being worn.” (4:4-12)</p> <p>“The operative inserts the garment over the band, drops the presser foot 56, sews a pre-set number of stitches, typically two or three, after which the roller 59 drops automatically, and the metering device 62 automatically reverses to apply the pre-programmed tension to the band so that the ruched effect can be achieved.” (6:47-53)</p> |

| Claim 2 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[2] A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See, e.g.,</i></p> <p>“elastic garment.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p>To the extent Plaintiffs contend WO 01/37687, alone or in combination with the ’058 Design, does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’369 Patent discloses asymmetrical stretch characteristics of a fabric such that it stretches more easily in one direction and less easily in a direction at right angles to the first direction. <i>See, e.g.,</i></p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 21 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

| Claim 2 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>“With reference to FIG. 3, the warp knit is generally known in the art for having strands 26 running substantially parallel along a direction 27 of the fabric. Lateral threads 28 running substantially perpendicular to the strands 26 and in a direction 29 encircle sets of two strands 26 at once. Each adjacent lateral thread 28 encircles one of the two strands 26 in the first set and one of the two strands 26 from the second set. This pattern is repeated throughout. The warp knit, by virtue of having parallel strands 26 along the direction 27 of the fabric, is resistant to stretch in the direction 27 when compared to other knitted fabrics, which may undesirably stretch. Thus, the warp knit fabric stretches less along the direction 27 than along the direction 29.” (2:40-52)</p> <p>“The warp knit fabric used to form the groin portion 14 can stretch a relatively greater amount in the horizontal direction, roughly parallel to the waistband, than in the vertical direction. The ability to stretch in the horizontal direction allows for the accommodation of different sizes and shapes of male genitals. The groin portion stretches in the horizontal direction to accommodate the genitals of the supporter user while maintaining slight pressure on the genitals in the horizontal direction, thus aiding the cupping and compression functions of the supporter 10.” (3:1-10)</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

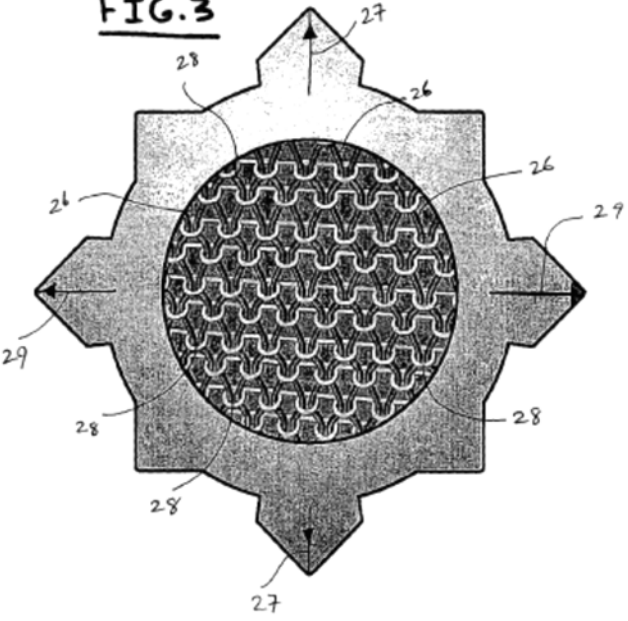
| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p data-bbox="655 313 779 354">FIG. 3</p>  <p data-bbox="522 954 1892 1060">The '874 Publication discloses a stretch panel [rear panel 114] that has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See e.g.</i>, [0022 and 0024].</p> <p data-bbox="522 1101 1843 1174">[0022] “In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable.”</p> <p data-bbox="522 1214 1339 1247">[0024] “The rear panel 114 is also comprised of the fabric 108.”</p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 23 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

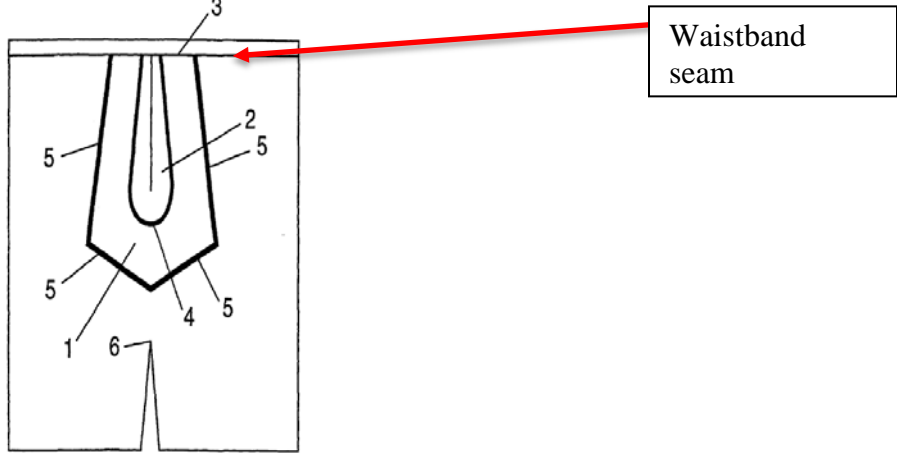
| Claim 5 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[5] A garment according to claim 1 wherein the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses that the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%. <i>See, e.g.,</i></p>  <p>The diagram shows a front view of a garment portion. Label 1 points to the bottom center seam. Label 2 points to the side seam. Label 3 points to the waistband seam, indicated by a red arrow from a box labeled 'Waistband seam'. Label 4 points to the bottom right corner. Label 5 points to the side and bottom edges. Label 6 points to the bottom center seam area.</p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 24 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

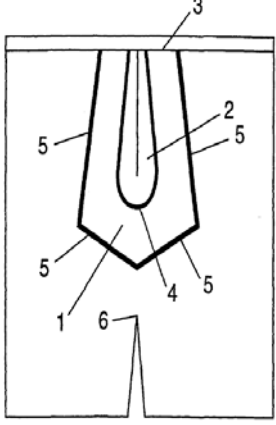
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>“elastic garment.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a garment where the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’058 Design is a garment where the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%. <i>See e.g.</i>,</p> |

Exhibit F-2

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

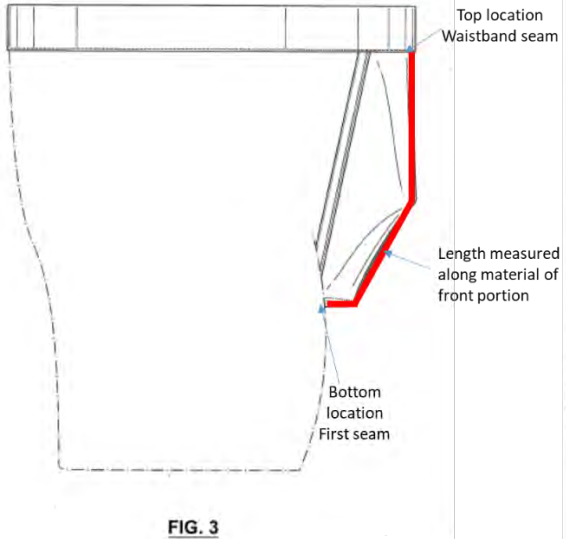
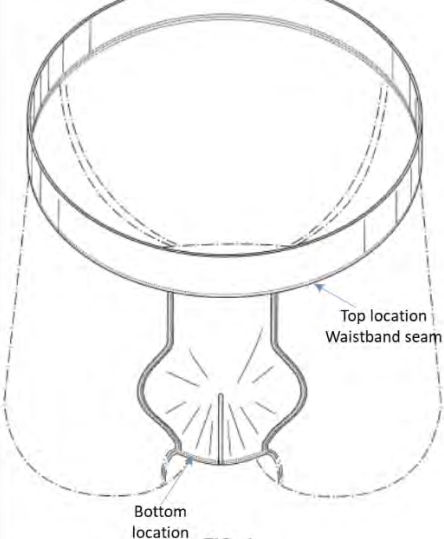
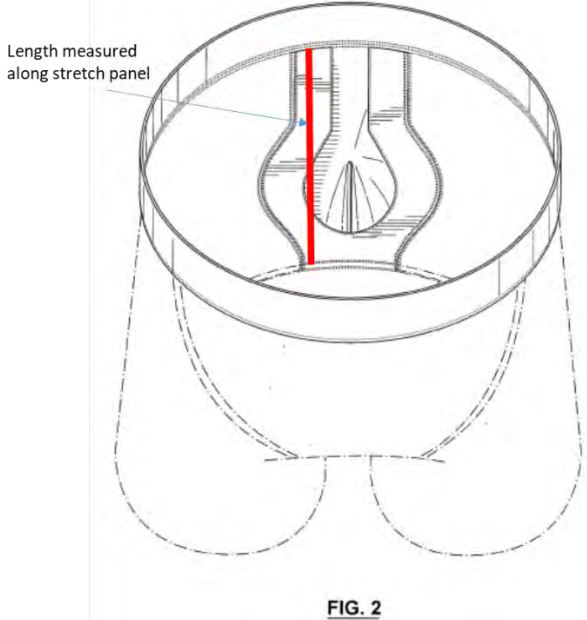
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="541 300 1102 836"><p>FIG. 3</p></div> <div data-bbox="1102 300 1543 836"><p>FIG. 1</p></div> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 26 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|----------------|--|
| |  <p>Length measured along stretch panel</p> <p>FIG. 2</p> |

| Claim 6 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[6] A garment according to claim 1 wherein the garment is a pair of undershorts.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a pair of undershorts. <i>See, e.g.,</i></p> |

Exhibit F-2

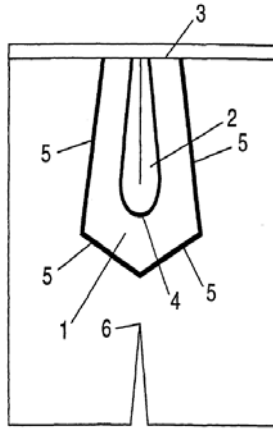
Invalidity of U.S. Patent No. 9,687,030

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

Claim 6

Exemplary Disclosure in Prior Art



Further, the ’058 Design discloses this limitation. *See e.g.*,

“Men’s Undergarment” (Title)

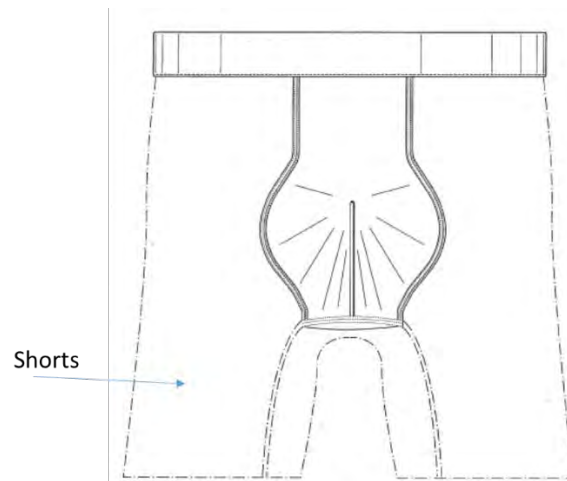


FIG. 4

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

| Claim 7 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[7] A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.</i>,</p> <p>“The invention relates to a hygienic elastic garment for men’s underwear, which forms part and is sewn to classic underpants.” Abstract.</p> <p>To the extent Plaintiffs contend WO 01/37687, alone or in combination with the ’058 Design, does not expressly, implicitly, or inherently disclose a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’571 Patent discloses the stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.</i>,</p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™. Pouch 18 may be of a material containing 82% polyester and 18% Spandex™. In one embodiment, the balance of brief 10 is of the same material, however in an alternative embodiment, the balance of brief 10 is made of a 92% cotton, 8% Spandex™ fabric.” (4:25-33)</p> |
| Claim 8 | Exemplary Disclosure in Prior Art |
| <p>[8] A garment according to claim 1 wherein the opening has a width in excess of 2 cm.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses an opening with a width in excess of 2 cm. <i>See, e.g.</i>,</p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 29 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

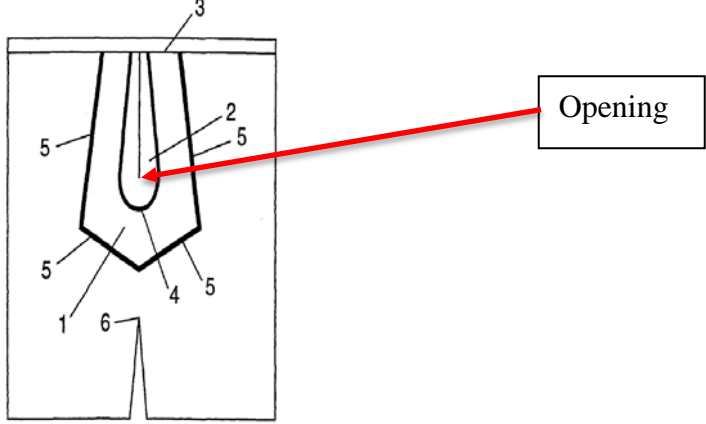
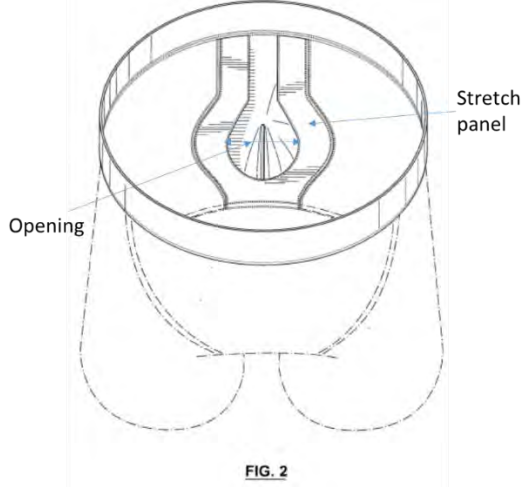
| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>The diagram shows a cross-sectional view of a device. A central opening is indicated by a red arrow pointing from a box labeled "Opening". The opening is surrounded by a structure with multiple layers or components labeled with numbers: 1, 2, 3, 4, 5, and 6. The device appears to be a container or a housing for a component.</p> <p>“By introducing the testicles through said opening...” Abstract.</p> <p>Furthermore, the ’058 Design discloses this limitation. <i>See, e.g.,</i></p>  <p>FIG. 2 shows a perspective view of a device, likely a container or a housing, with a central opening. The device has a stretch panel and an opening. The opening is labeled "Opening" and the stretch panel is labeled "Stretch panel".</p> |

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

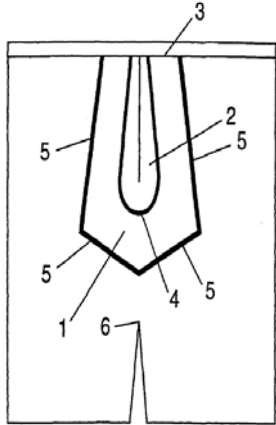
| Claim 9 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[9] A garment according to claim 1 wherein: the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a front portion which depends downwardly from the waistband and the front portion is formed to provide a pouch at a mid-section thereof; the stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p>  <p>“It has a tear-shaped vertical opening extending from the elastic on the waistband of the underpants.” Abstract.</p> <p>“By introducing the testicles through said opening, the base of said opening is located between the testicles and the groin.” Abstract.</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch, one of ordinary skill in the art would, based on one's</p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 31 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

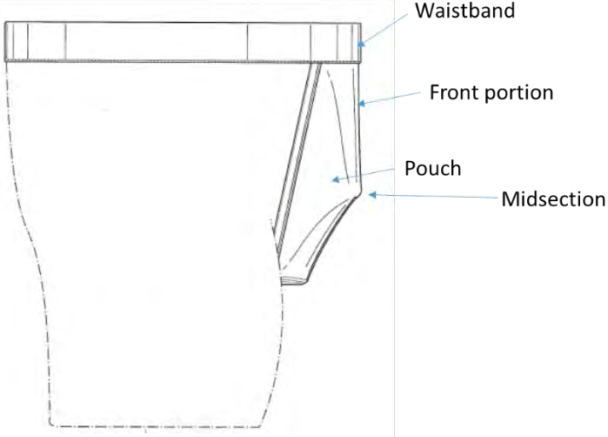
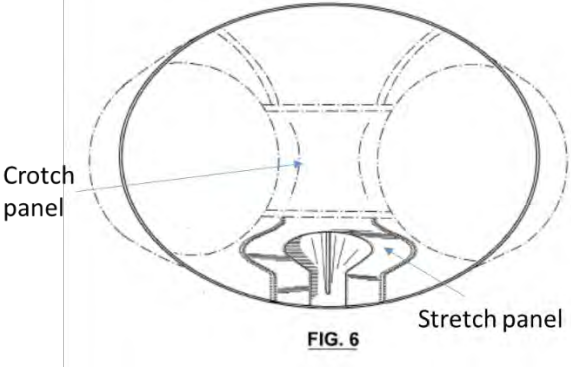
| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’058 Design discloses a stretch panel positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p>  <p style="text-align: center;">FIG. 3</p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 32 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>FIG. 6</p> |

| Claim 10 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p>“elastic garment.” Abstract.</p> <p>“elastic U-shaped garment (one)” Description of the Invention (machine translation).</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose elastically resilient four-way stretch material comprised of a spandex blend, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’218 Publication discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 33 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

| Claim 10 | Exemplary Disclosure in Prior Art |
|----------|--|
| | <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> |

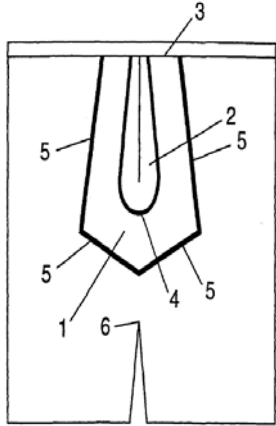
| Claim 12 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>[12] A garment according to claim 1, wherein the first seam is disposed forward of a perineum region of a wearer.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a first seam disposed forward of a perineum region of a wearer. <i>See, e.g.,</i></p>  <p>“It has a tear-shaped vertical opening extending from the elastic on the waistband of the underpants.” Abstract.</p> <p>“By introducing the testicles through said opening, the base of said opening is located between the testicles and the groin.” Abstract.</p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 34 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

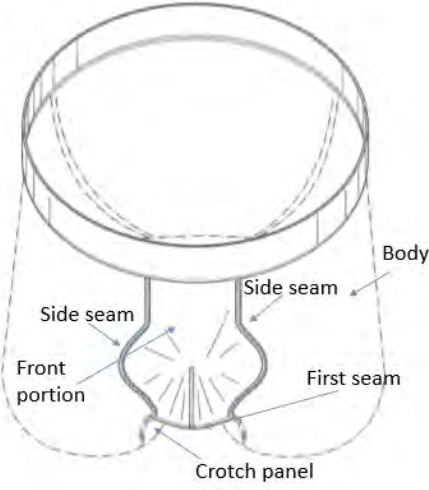
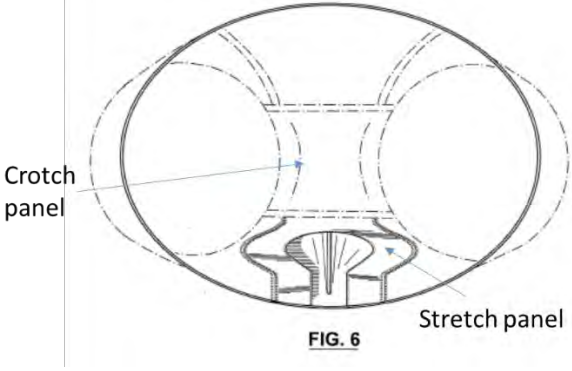
| Claim 12 | Exemplary Disclosure in Prior Art |
|----------|---|
| | <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a first seam disposed forward of a perineum region of a wearer, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’058 Design discloses a first seam disposed forward of a perineum region of a wearer. <i>See, e.g.,</i></p>  <p>FIG. 1</p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 35 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

| Claim 12 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p>FIG. 6</p> |

| Claim 14 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>[14] A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 discloses a stretch panel formed from a single unitary piece of woven fabric. <i>See, e.g.,</i></p> <p>“The invention relates to a hygienic elastic garment for men's underwear.” Abstract.</p> <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687 to meet this limitation. Alternatively, one of ordinary skill could modify WO 01/37687 in view of one or more prior art references to meet this limitation.</p> <p>The ’058 Design discloses a stretch panel formed from a single unitary piece of fabric. <i>See e.g.,</i></p> |

Exhibit F-2

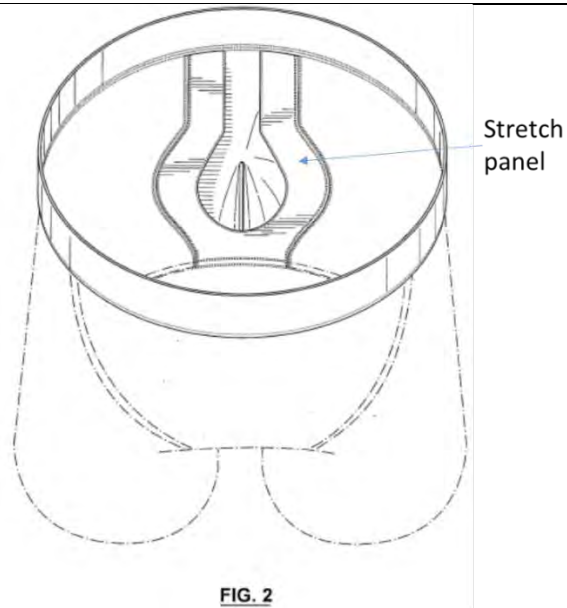
Invalidity of U.S. Patent No. 9,687,030

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

Claim 14

Exemplary Disclosure in Prior Art



The '874 Publication discloses a stretch panel [rear panel 114] formed from a single unitary piece of woven fabric [fabric 108]. *See e.g.,*

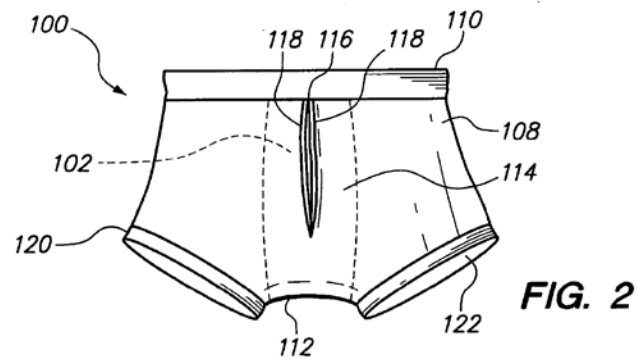


Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 37 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Other Prior Art

| Claim 14 | Exemplary Disclosure in Prior Art |
|----------|--|
| | <p>[0022] “In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable.”</p> <p>[0024] “The rear panel 114 is also comprised of the fabric 108.”</p> |

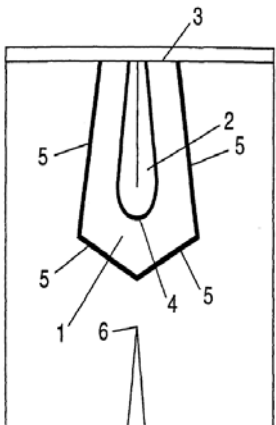
| Claim 15 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[15] A garment according to claim 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.</p> | <p>See above regarding claim 1.</p> <p>WO 01/37687 includes a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p>  <p>To the extent Plaintiffs contend WO 01/37687 does not expressly, implicitly, or inherently disclose a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer, one of ordinary skill in the art would, based on one’s knowledge and WO 01/37687, understand how to modify the disclosure of WO 01/37687</p> |

Exhibit F-2**Invalidity of U.S. Patent No. 9,687,030****Page 38 of 40**

Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

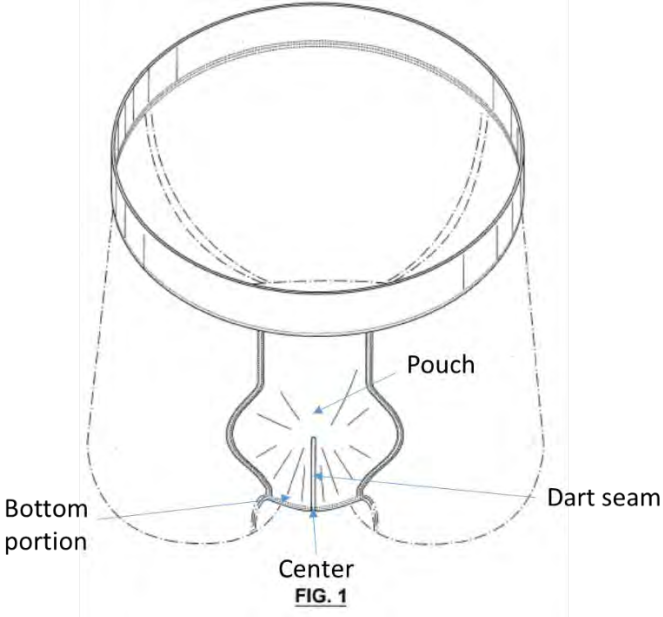
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|--|
| | <p>to meet this limitation. Alternatively, one of ordinary skill could modify the WO 01/37687 in view of one or more prior art references to meet this limitation. <i>See, e.g.,</i></p> <p>The ’058 Design discloses this limitation. <i>See, e.g.,</i></p>  <p>FIG. 1</p> |

Exhibit F-2

Invalidity of U.S. Patent No. 9,687,030

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|---|
| | <div data-bbox="535 292 1165 771"> <p>The diagram shows a cross-section of a pouch. A horizontal band is at the top. Below it, a large, curved, dashed-line boundary represents the main body of the pouch. On the right side, a smaller, solid-line boundary represents a '3D pouch' protruding from the main body. A label 'Front portion' points to the upper part of this 3D pouch. A label '3D pouch' points to the lower, protruding part of it.</p> </div> <p data-bbox="703 803 766 828">FIG. 3</p> <p data-bbox="525 836 1879 950">The '218 Publication discloses a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p> <p data-bbox="525 982 1879 1356">“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. . . . Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p> |

Exhibit F-2

Invalidity of U.S. Patent No. 9,687,030

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Obviousness by WO 01/37687 A1 (Published May 31, 2001) in View of Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Other Prior Art

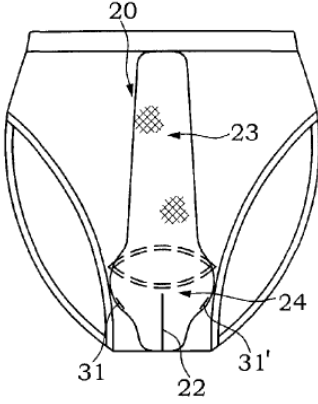
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p data-bbox="674 735 758 776">Fig.3</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 1 of 57****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) or Obviousness in View of Other Prior Art**

Upon information and belief, the disclosure of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) (the “’058 Design”) either expressly, implicitly, or inherently anticipates the asserted claims of U.S. Patent No. 10,034,496 under 35 U.S.C. § 102, and renders those claims obvious under 35 U.S.C. § 102 in view of U.S. Patent Publication 2009/0106874 (published April 30, 2009) (“’874 Publication”), International Publication No. WO 98/39981 (published Sept. 17, 1998) (“WO 98/39981”), the Andrew Christian Show-It Underwear, European Patent Application No. EP 0 476 818 (published March 25, 1992) (“EP 0 476 818”), U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”), and/or U.S. Patent Publication No. 2004/0025218 (published Feb. 12, 2004) (“’218 Publication”) as set forth in the chart below.

The following contentions are subject to revision and amendment pursuant to Federal Rule of Civil Procedure 26(e) and the Court Orders in this matter subject to further investigation and discovery regarding the references.

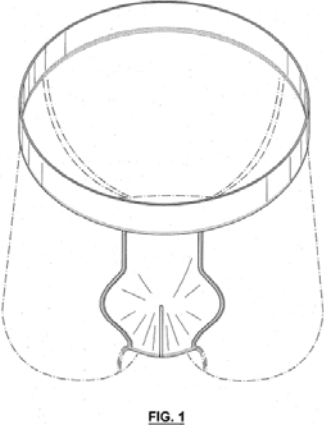
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| [1.pre] 1. A male garment comprising: | <p>The ’058 Design discloses a male garment. <i>See, e.g.,</i></p>  <p style="text-align: center;">FIG. 1</p> |
| [1.1] a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the | <p>The ’058 Design discloses a body including a front portion and having leg openings for a wearer’s legs including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 2 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) or Obviousness in View of Other Prior Art

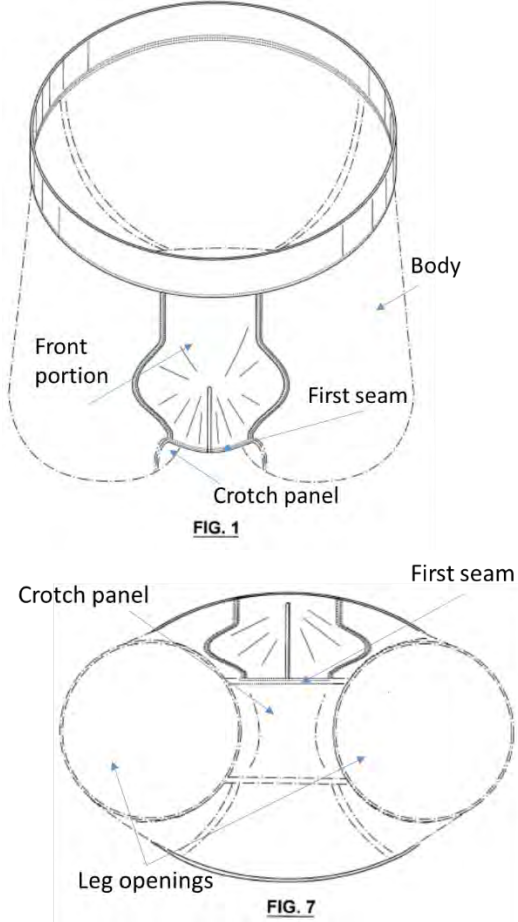
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| leg openings and joined to the front portion along a first seam; |  <p>FIG. 1</p> <p>FIG. 7</p> <p>To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a body including a front portion and having leg openings for a wearer's legs including a crotch panel extending between the leg openings and joined to the front portion along a first seam, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the '058</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 3 of 57****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) or Obviousness in View of Other Prior Art**

| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>Design to meet this limitation. Alternatively, one of ordinary skill could modify the ’058 Design in view of one or more prior art references to meet this limitation.</p> <p>The ’369 Patent discloses a body including a front portion and having leg openings for a wearer’s legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>“The stability anchor 18 connects the groin portion 14 to the back portion 16 by extending from the groin portion 14 to the back portion 16 while laterally following the contour of the inner thigh portions of the leg portions 20 and being connected to the leg portions 20.” (3:20-24)</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 4 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

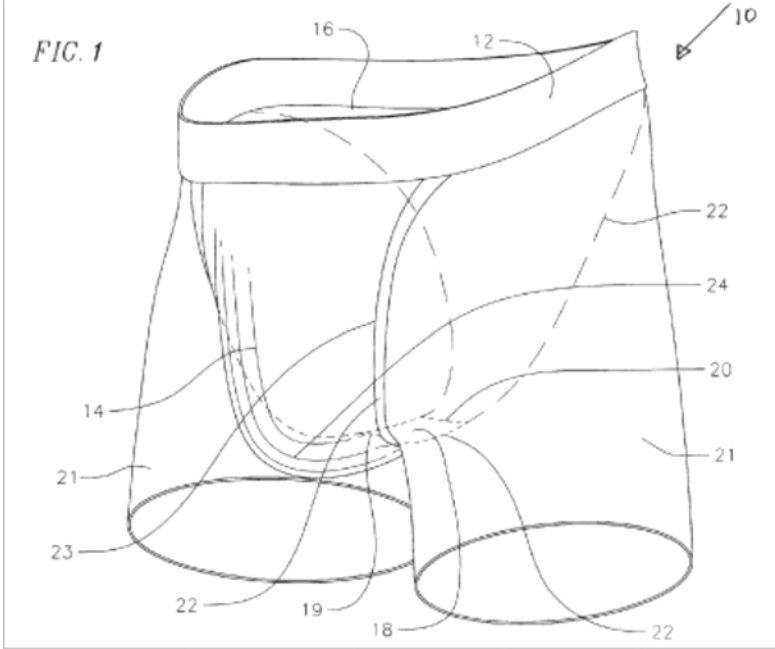
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>WO 98/39981 discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>“The style of the underpants providing an outer garment are conventional boxer shorts which is a style known and found to be very comfortable for normal usage. In accord with this embodiment there are full legs 2 and 3, and a joining panel 4 which is joined to leg panels 5 and 6 by seams 7 and 8. Seams 7 and 8 support a front panel 9 which is openable along the join at 10 and there is a back panel 11 behind this the</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 5 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

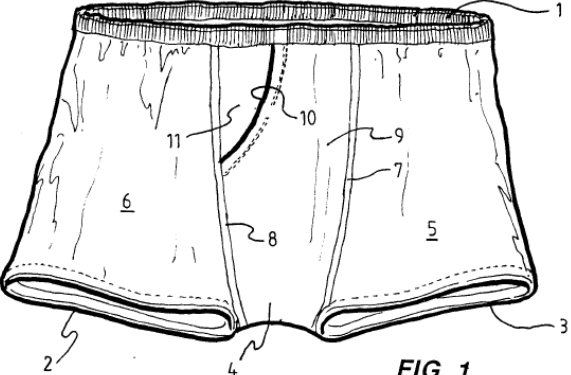
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>joining edge of which is shown for instance in FIG 2 at 12 so that for normal purposes of relief, the penis can be manoeuvred between the several panels.” (3:22-4:4)</p>  <p>FIG. 1</p> |

Exhibit G-1

Invalidity of U.S. Patent No. 10,034,496

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

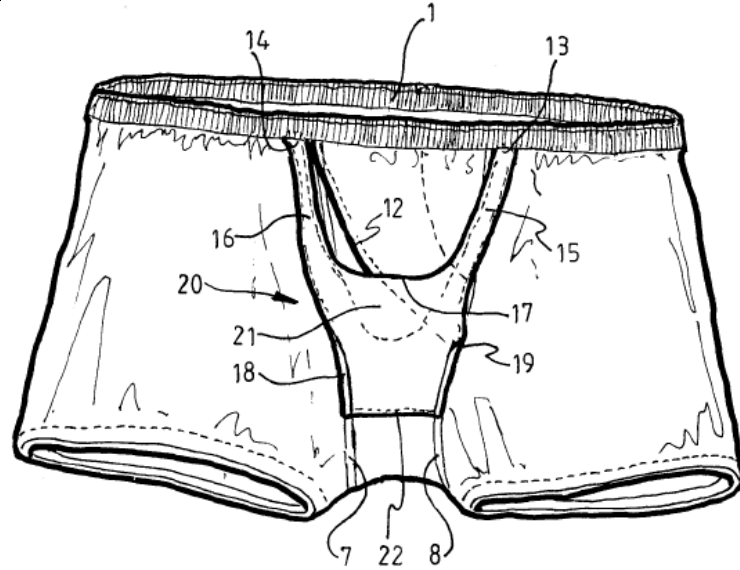


FIG. 2

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 7 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="533 272 1129 889"> </div> <p data-bbox="1052 894 1157 932">FIG. 4</p> <p data-bbox="520 946 1877 1052">The '285 Publication discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p data-bbox="520 1092 1892 1271">“[0028] FIG. 7 shows is a frontal perspective view of a second, alternative embodiment of the multipurpose undergarment in accordance with the invention. In this embodiment, the undergarment shown generally at 70 again includes front leg portions 71 and 72 with corresponding leg openings 78a and 78b and includes a conventional front opening (fly) 73 secured by stitching to the front panel as shown at 75.”</p> <p data-bbox="520 1312 1864 1382">“[0029] Not unlike the embodiment depicted in FIG. 1, the top edge of the pouch as shown in FIG. 7 can be secured to the interior of the undergarment along the elastic waste band (shown generally at 79). The</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 8 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

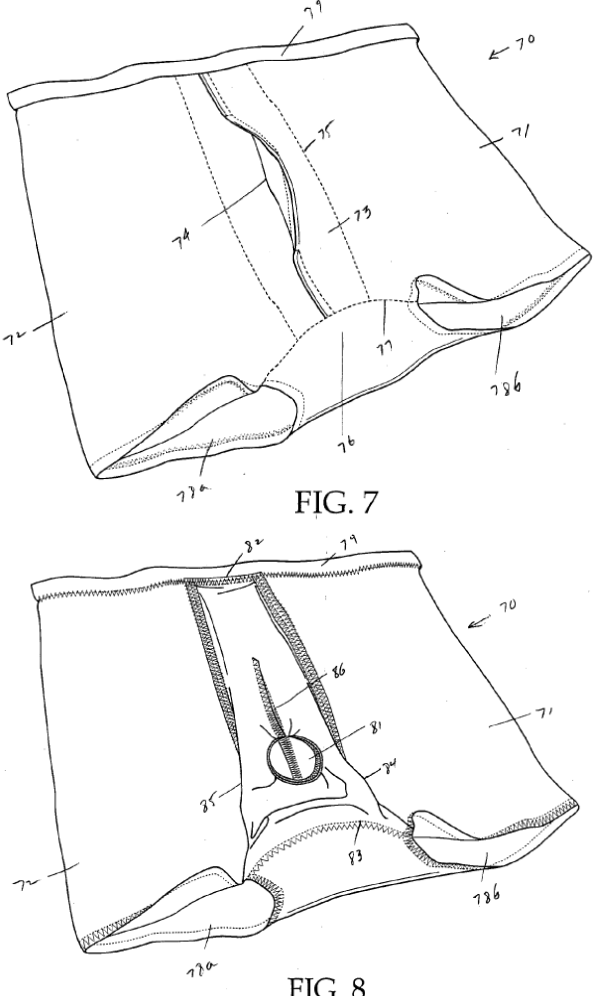
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>bottom edge can likewise be secured along the bottom portion 76 of the undergarment as shown along line 77.”</p>  <p>FIG. 7 is a perspective view of an undergarment 70, such as a pair of briefs, showing a central opening 74. A line 77 indicates a bottom edge of the undergarment. Other labels include 71, 72, 73, 75, 76, 77, and 786.</p> <p>FIG. 8 is a perspective view of the undergarment 70, showing a circular fastener 86 with a central button 85. Other labels include 70, 71, 72, 73, 74, 75, 76, 77, 786, and 80.</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 9 of 57****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) or Obviousness in View of Other Prior Art**

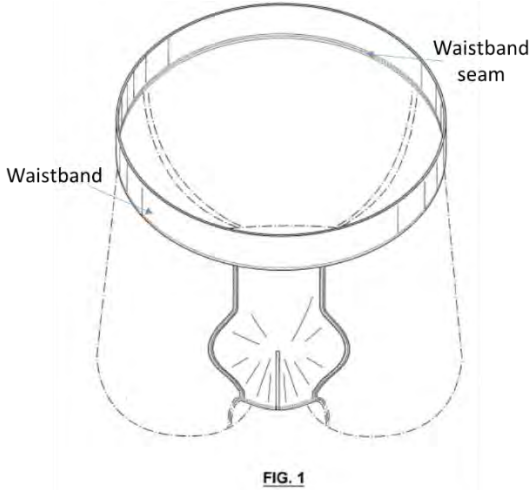
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| | During prosecution of U.S. Pat. No. 9,687,030, the Applicant did not dispute that the ’285 Publication meets this element. (See Amendment, July 8, 2014, pages 6-7.) |
| <p>[1.2] a waistband attached by a waistband seam at an upper edge of the body;</p> | <p>The ’058 Design discloses a waistband attached by a waistband seam at an upper edge of the body. <i>See, e.g.,</i></p>  <p style="text-align: center;">FIG. 1</p> |
| <p>[1.3] a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges</p> | <p>The ’058 Design discloses a stretch panel attached to the body inside the front portion having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See e.g.,</i></p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 10 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

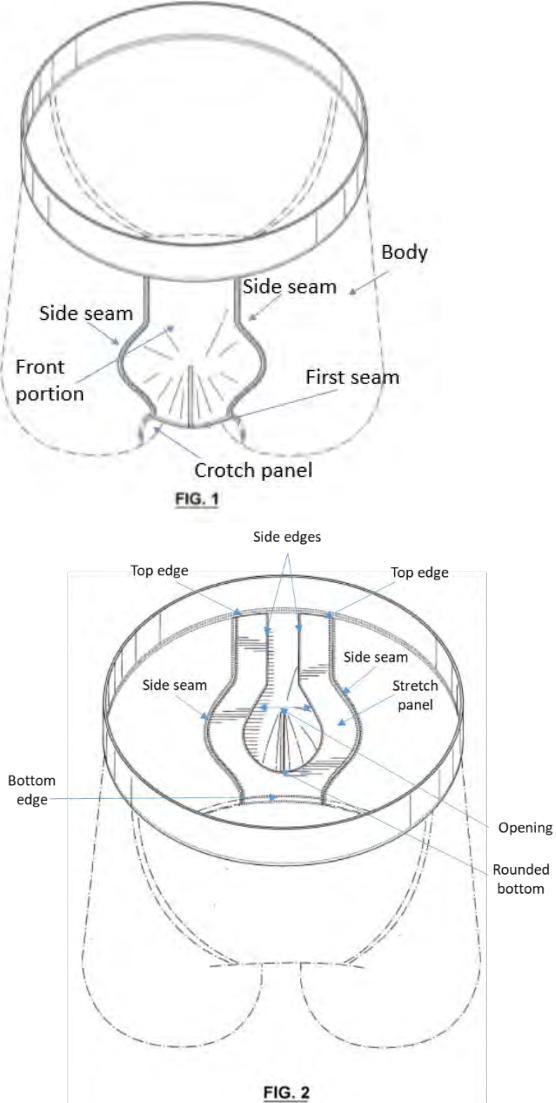
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;</p> |  <p>FIG. 1 is a perspective view of a garment (e.g., a pair of briefs) showing a front portion, side seams, a crotch panel, and a first seam. The garment has a rounded bottom edge and an opening for receiving a wearer's genitals. The side seams extend substantially continuously along either side of the front portion.</p> <p>FIG. 2 is a perspective view of the same garment, showing the top edge, side edges, side seams, a stretch panel, a rounded bottom, and an opening. The opening has a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening.</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 11 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) or Obviousness in View of Other Prior Art

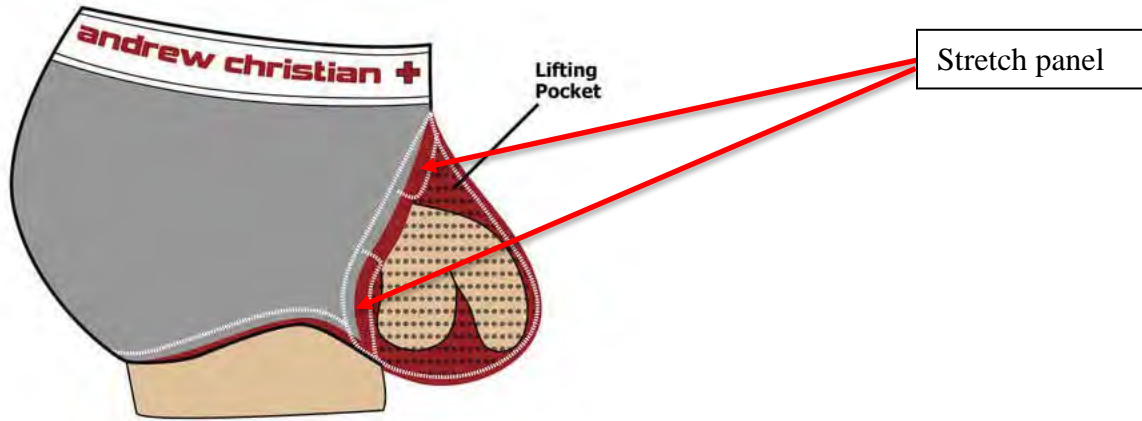
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>To the extent Plaintiffs contend the ’058 Design does not expressly, implicitly, or inherently disclose a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening, one of ordinary skill in the art would, based on one’s knowledge and the ’058 Design, understand how to modify the disclosure of the ’058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the ’058 Design in view of one or more prior art references to meet this limitation.</p> <p>The Andrew Christian Show-It Underwear includes a stretch panel attached to the body inside the front portion. <i>See, e.g.,</i></p>  <p>The diagram shows a pair of men's underwear. A red, textured, teardrop-shaped panel is attached to the inner side seam of the front portion. A label 'Stretch panel' with two red arrows points to this panel. Another label 'Lifting Pocket' with a black arrow points to a pocket-like structure within the red panel. The underwear has a white waistband with 'andrew christian +' printed in red.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 12 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>The Andrew Christian Show-It Underwear includes a stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at a top location, a bottom edge attached to the body at a bottom location, side edges attached to the body at side seams extending substantially continuously along either side of the front portion and an opening for receiving a wearer's genitals. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 13 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

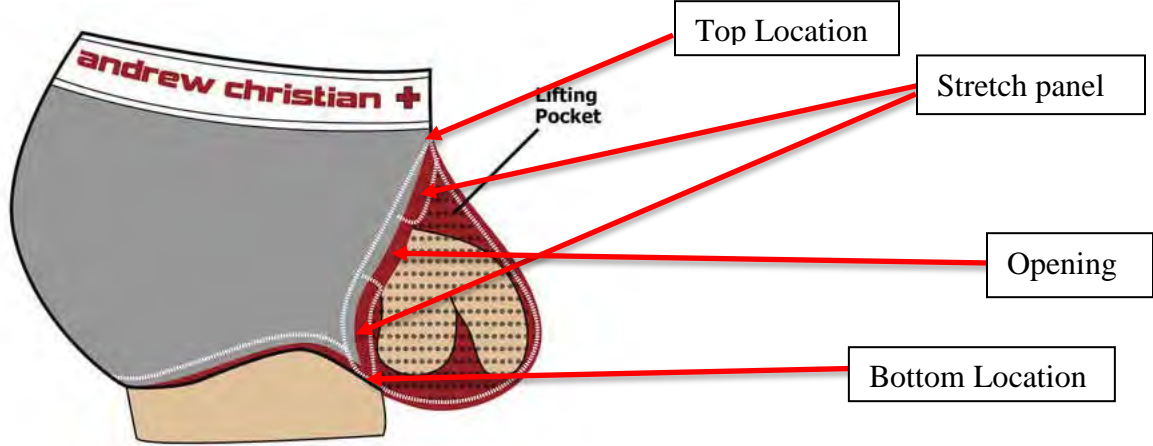

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 14 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="550 272 1543 844">  </div> <p data-bbox="520 885 1856 954">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> <div data-bbox="577 998 1312 1185">  </div> <p data-bbox="520 1226 1856 1295">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 15 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>The Andrew Christian Show-It Underwear includes the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 16 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) or Obviousness in View of Other Prior Art

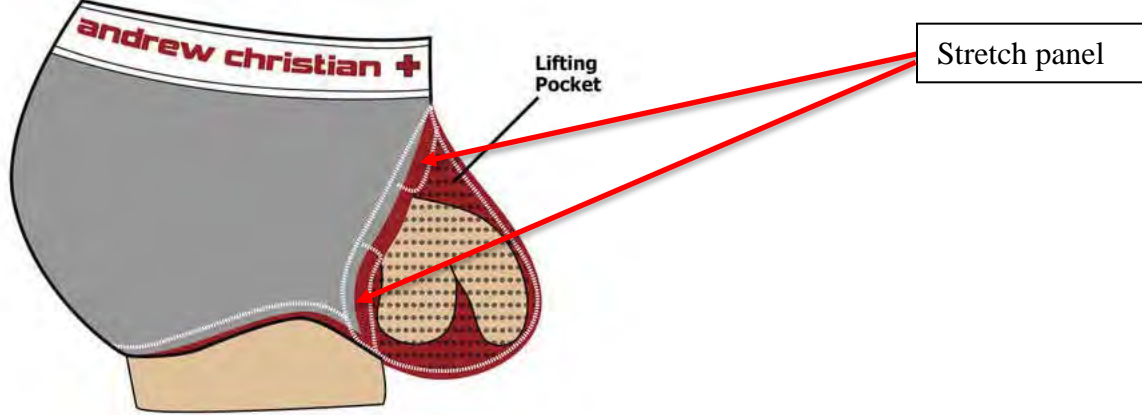

| Claim 1 | Exemplary Disclosure in Prior Art |
|---|---|
| |  <p>The diagram shows a pair of men's underwear with a grey front panel and a red elastic waistband. A red elastic 'Stretch panel' is located on the side, and a 'Lifting Pocket' is shown in a cross-section view. Red arrows point from the 'Stretch panel' label to the elastic area on the side of the underwear.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>The smaller diagram shows a similar pair of underwear, but without the side stretch panel. It features a grey front panel and a red elastic waistband. A 'Lifting Pocket' is shown in a cross-section view.</p> <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |
| <p>[1.4] the stretch panel being resiliently elastic both in a direction between the top</p> | <p>The ’058 Design discloses a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 17 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

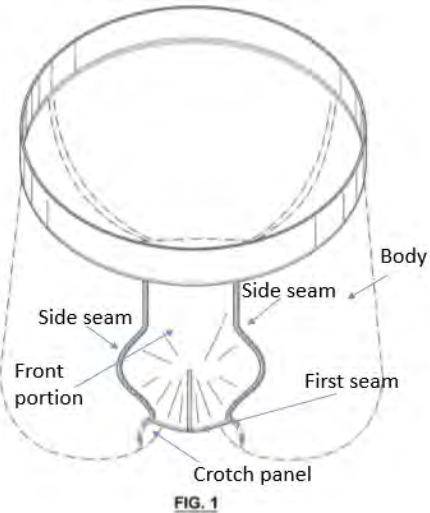
| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>edge and the bottom edge and in a direction between the side edges, the stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn.</p> | <p>side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn. <i>See e.g.</i>,</p>  <p>FIG. 1</p> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

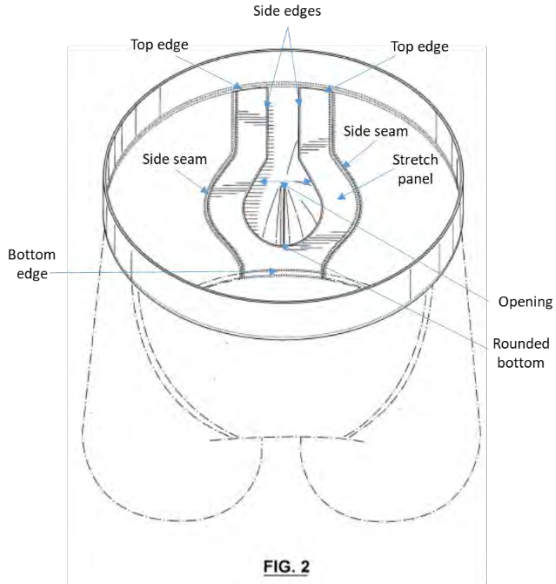
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="800 833 850 854">FIG. 2</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 19 of 57****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) or Obviousness in View of Other Prior Art**

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="535 292 1155 755"> <p>FIG. 3</p> </div> <p data-bbox="976 365 1155 389">Front portion</p> <p data-bbox="976 438 1081 462">3D pouch</p> <p data-bbox="520 860 1873 1226">To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of one or more prior art references to meet this limitation.</p> <p data-bbox="520 1258 1858 1339">The Andrew Christian Show-It Underwear includes a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. <i>See, e.g.,</i></p> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

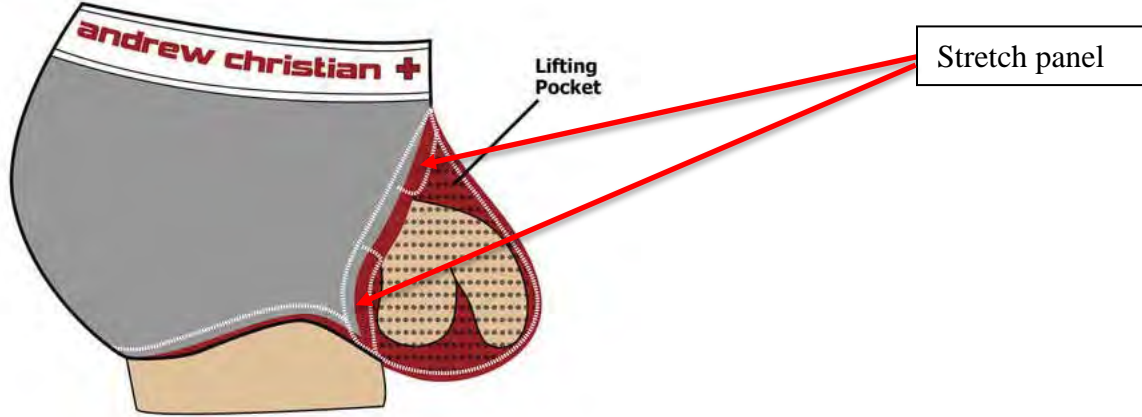
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>The diagram illustrates a pair of men's underwear, specifically a brief, shown from a side-rear perspective. The brand name "andrew christian" is printed on the waistband. A red dashed line outlines a "Lifting Pocket" on the inner cup. A red solid line outlines a "Stretch panel" on the fly. Red arrows point from the text labels to their respective parts in the diagram.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>The Andrew Christian Show-It Underwear includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 22 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

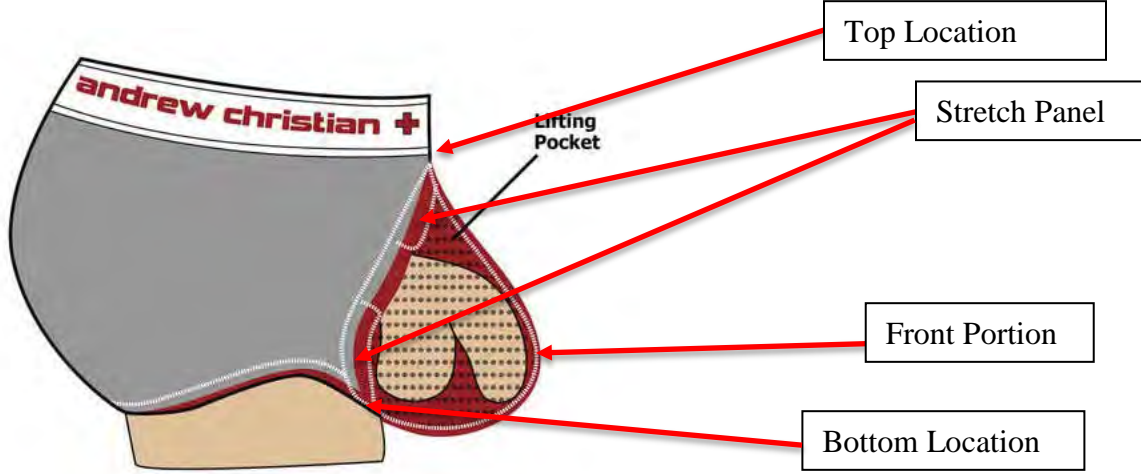

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>The front portion of the Andrew Christian Show-It Underwear defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer’s genitals.</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 23 of 57****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art**

| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>Alternatively, one of ordinary skill in the art would understand how to make a garment wherein the front portion is gathered from side-to-side and top-to-bottom by the stretch panel, wherein the stretch panel has a length when unstretched smaller than a length measured along the front portion between the top and bottom locations and a width when unstretched smaller than a width measured along the front portion between the side seams. For example, EP O 476 818 teaches a method of gathering from side-to-side and top-to-bottom by an elastic fabric. <i>See, e.g.,</i></p> <p>“The garment now has a waist opening 31 and in accordance with the present invention, an elasticated band 32 is secured in face to face contact to a marginal portion 33 of the garment surrounding the waist opening 31. The band 32 is secured to the garment whilst in a tensioned condition (i.e. stretched condition) so that on relaxation, the fabric of the marginal portion 33 is ruched thereby enabling the band to stretch when the garment is being worn.” (4:4-12)</p> <p>“The operative inserts the garment over the band, drops the presser foot 56, sews a pre-set number of stitches, typically two or three, after which the roller 59 drops automatically, and the metering device 62 automatically reverses to apply the pre-programmed tension to the band so that the ruched effect can be achieved.” (6:47-53)</p> |

| Claim 2 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[2] A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a</p> | <p>See above regarding claim 1.</p> <p>The '580 Design discloses a stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See, e.g.,</i></p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 24 of 57****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) or Obviousness in View of Other Prior Art**

| Claim 2 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>direction at right angles to the waistband.</p> | <div data-bbox="525 276 1050 860"> </div> <p>To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of one or more prior art references to meet this limitation.</p> <p>The Andrew Christian Show-It Underwear is a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See, e.g.,</i></p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 25 of 57****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art**

| Claim 2 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>“The Show-It design has a hidden “comfy cup” that gently lifts your package giving it a more pronounced appearance.” “Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>The ’369 Patent discloses asymmetrical stretch characteristics of a fabric such that it stretches more easily in one direction and less easily in a direction at right angles to the first direction. <i>See, e.g.,</i></p> <p>“With reference to FIG. 3, the warp knit is generally known in the art for having strands 26 running substantially parallel along a direction 27 of the fabric. Lateral threads 28 running substantially perpendicular to the strands 26 and in a direction 29 encircle sets of two strands 26 at once. Each adjacent lateral thread 28 encircles one of the two strands 26 in the first set and one of the two strands 26 from the second set. This pattern is repeated throughout. The warp knit, by virtue of having parallel strands 26 along the direction 27 of the fabric, is resistant to stretch in the direction 27 when compared to other knitted fabrics, which may undesirably stretch. Thus, the warp knit fabric stretches less along the direction 27 than along the direction 29.” (2:40-52)</p> <p>“The warp knit fabric used to form the groin portion 14 can stretch a relatively greater amount in the horizontal direction, roughly parallel to the waistband, than in the vertical direction. The ability to stretch in the horizontal direction allows for the accommodation of different sizes and shapes of male genitals.</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 26 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>The groin portion stretches in the horizontal direction to accommodate the genitals of the supporter user while maintaining slight pressure on the genitals in the horizontal direction, thus aiding the cupping and compression functions of the supporter 10.” (3:1-10)</p> <div data-bbox="535 435 1192 1089"> <p>FIG. 3</p> </div> <p>The '874 Publication discloses a stretch panel [rear panel 114] that has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See e.g.</i>, [0022 and 0024].</p> <p>[0022] “In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable.”</p> <p>[0024] “The rear panel 114 is also comprised of the fabric 108.”</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 27 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) or Obviousness in View of Other Prior Art

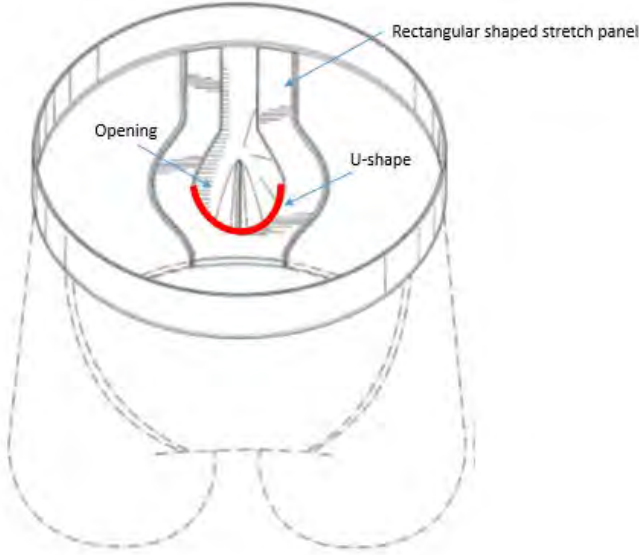
| Claim 3 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>[3] A garment according to claim 1 wherein the stretch panel is rectangular and the opening is U-shaped.</p> | <p>See above regarding claim 1.</p> <p>The ’058 Design discloses a garment wherein the stretch panel has a rectangular shape and the opening is U-shaped. <i>See e.g.</i>,</p>  <p style="text-align: center;">FIG. 2</p> <p>To the extent Plaintiffs contend the ’058 Design does not expressly, implicitly, or inherently disclose a rectangular stretch panel, one of ordinary skill in the art would, based on one’s knowledge and the ’058 Design, understand how to modify the disclosure of the ’058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the ’058 Design in view of one or more prior art references to meet this limitation.</p> |

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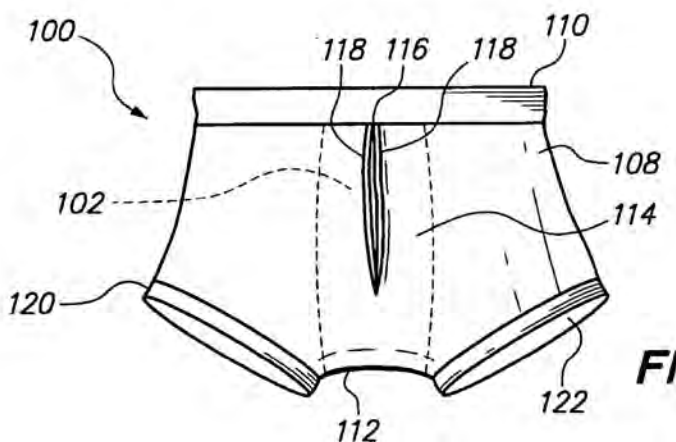
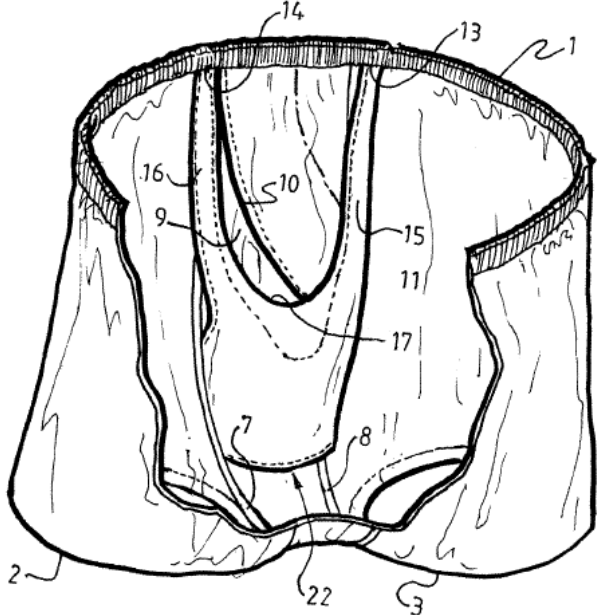
| Claim 3 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>The Andrew Christian Show-It Underwear includes a garment wherein the stretch panel has a rectangular shape and the opening is U-shaped. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>The '874 Publication discloses a stretch panel [rear panel 114] that has a rectangular shape. <i>See e.g.,</i></p>  <p>FIG. 2</p> <p>WO 98/39981 discloses a garment wherein the stretch panel has a rectangular shape and the opening is U-shaped.</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 29 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) or Obviousness in View of Other Prior Art

| Claim 3 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p style="text-align: right;">FIG. 4</p> |

| Claim 4 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[4] A garment according to claim 3 wherein the stretch panel comprises a fabric having a stretch of at least 30%.</p> | <p>See above regarding claim 3.</p> <p>The '058 Design discloses a stretch panel comprising a fabric having a stretch of at least 30%. <i>See, e.g.,</i></p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 30 of 57****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) or Obviousness in View of Other Prior Art**

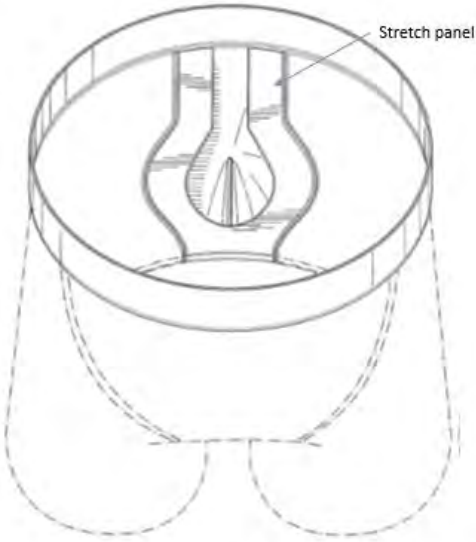
| Claim 4 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="737 857 789 881">FIG. 2</p> <p data-bbox="527 946 1892 1122">To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose the stretch panel comprising a fabric having a stretch of at least 30%, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of one or more prior art references to meet this limitation.</p> <p data-bbox="527 1166 1892 1235">The Andrew Christian Show-It Underwear includes a stretch panel comprising a fabric having a stretch of at least 30%. <i>See, e.g.,</i></p> <p data-bbox="527 1279 1787 1382">“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 31 of 57****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art**

| Claim 4 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>The '571 Patent discloses the stretch panel comprising a fabric having a stretch of at least 30%. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™.” (4:25-28)</p> <p>“Features: 90% Cotton, 10% Spandex.” “Andrew Christians New League Brief with Show-It Technology for Maximum Frontal Enhancement,” https://www.underwearnewsbriefs.com/2009/12/andrew-christians-new-league-brief-with-show-it-technology-for-maximum-frontal-enhancement/ (December 20, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

| Claim 5 | Exemplary Disclosure in Prior Art |
|---|---|
| [5] A garment according to claim 1 wherein the top location is the waistband seam and the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of | <p>See above regarding claim 1.</p> <p>The '058 Design discloses a garment where the top location is the waistband seam and the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%. <i>See e.g.,</i></p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 32 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

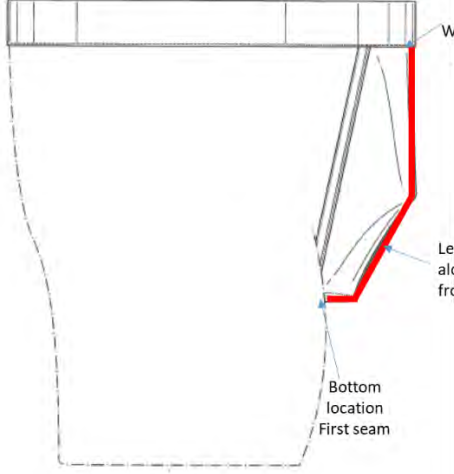
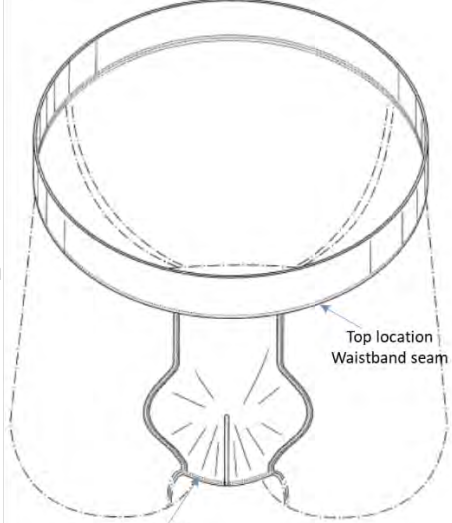
| Claim 5 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>the stretch panel, when unstretched, by at least 30%.</p> | <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;">  <p>FIG. 3</p> </div> <div style="text-align: center;">  <p>FIG. 1</p> </div> </div> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 33 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) or Obviousness in View of Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="525 276 1113 828"> </div> <p data-bbox="856 868 913 893">FIG. 2</p> <p data-bbox="525 909 1890 1161">To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a garment where the bottom location is the first seam, and a length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of one or more prior art references to meet this limitation.</p> <p data-bbox="525 1201 1890 1274">The Andrew Christian Show-It Underwear is a garment where the top location is the waistband seam and the bottom location is the first seam. <i>See, e.g.,</i></p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 34 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="522 886 1856 954">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  <p data-bbox="522 1227 1856 1295">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="531 282 1241 758" data-label="Image"> </div> <p data-bbox="518 781 1837 883">“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <div data-bbox="541 946 1136 1365" data-label="Image"> </div> <div data-bbox="1415 927 1717 1024" data-label="Text"> <p>Top location is the waistband seam</p> </div> <div data-bbox="1388 1219 1688 1317" data-label="Text"> <p>Bottom location is the first seam</p> </div> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art


| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>In the Andrew Christian Show-It Underwear, the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%. <i>See, e.g.,</i></p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 37 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art



| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>The diagram shows a pair of men's underwear with a grey body and a red elastic waistband. The waistband features the text "andrew christian" in red and a red cross symbol. A red, textured "Lifting Pocket" is shown on the right side, with a line pointing to it from the label "Lifting Pocket".</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>This diagram is a smaller version of the one above, showing the same underwear with the "andrew christian" waistband and the "Lifting Pocket". A line points from the label "Lifting Pocket" to the pocket.</p> <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 38 of 57****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) or Obviousness in View of Other Prior Art**

| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| | soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009. |

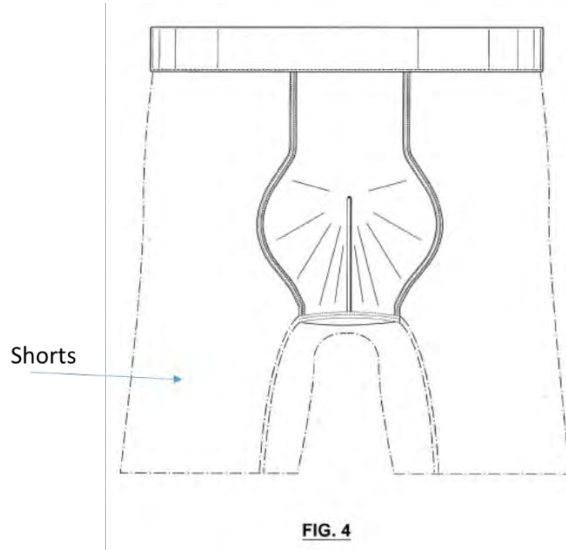
| Claim 6 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[6] A garment according to claim 1 wherein the garment is a pair of undershorts.</p> | <p>See above regarding claim 1.</p> <p>The ’058 Design discloses a pair of undershorts. <i>See e.g.</i>, “Men’s Undergarment” (Title)</p>  <p>FIG. 4</p> <p>Further, the Andrew Christian Show-It Underwear is a pair of undershorts. <i>See, e.g.</i>,</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 39 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p data-bbox="527 280 1801 386">“The line consists of boxer-briefs, briefs, jocks and swimwear.” “Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p>  <p data-bbox="527 1032 1854 1101">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  |

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| Claim 6 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | “Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009) |

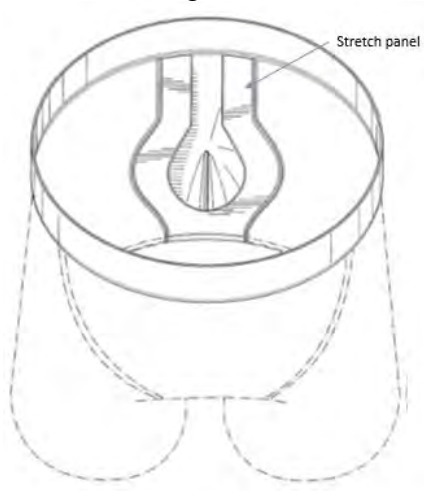
| Claim 7 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[7] A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.</p> | <p>See above regarding claim 1.</p> <p>The ’058 Design discloses a stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p>  <p style="text-align: center;">FIG. 2</p> <p>To the extent Plaintiffs contend the ’058 Design does not expressly, implicitly, or inherently disclose a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one’s knowledge and the ’058 Design, understand how to modify the disclosure of ’058 Design to meet this limitation. Alternatively, one of ordinary skill could modify ’058 Design in view of one or more prior art references to meet this limitation.</p> |

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| Claim 7 | Exemplary Disclosure in Prior Art |
|---|--|
| | <p>The Andrew Christian Show-It Underwear includes a stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>The ’571 Patent discloses the stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™. Pouch 18 may be of a material containing 82% polyester and 18% Spandex™. In one embodiment, the balance of brief 10 is of the same material, however in an alternative embodiment, the balance of brief 10 is made of a 92% cotton, 8% Spandex™ fabric.” (4:25-33)</p> |
| Claim 8 | Exemplary Disclosure in Prior Art |
| <p>[8] A garment according to claim 1 wherein the opening has a width in excess of 2 cm.</p> | <p>See above regarding claim 1.</p> <p>The ’058 Design discloses an opening with a width in excess of 2 cm. <i>See, e.g.,</i></p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 42 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="531 272 1050 763" data-label="Image"> </div> <p data-bbox="520 802 1617 836">Further, the Andrew Christian Show-It Underwear discloses this limitation. <i>See, e.g.,</i></p> <div data-bbox="541 898 1428 1312" data-label="Image"> </div> <p data-bbox="520 1344 1474 1380">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

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| Claim 8 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>“The Show-It design has a hidden “comfy cup” that gently lifts your package giving it a bigger more pronounced appearance. When I first saw the way these undies were constructed, I was a little apprehensive about the elastic being uncomfortable under my package; but as soon as I slipped them on, the elastic on the “comfy cup” wasn’t even noticeable.”</p> <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009) (emphasis added).</p> |

| Claim 9 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[9] A garment according to claim 1 wherein: the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.</p> | <p>See above regarding claim 1.</p> <p>The '058 Design discloses a garment wherein the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) or Obviousness in View of Other Prior Art

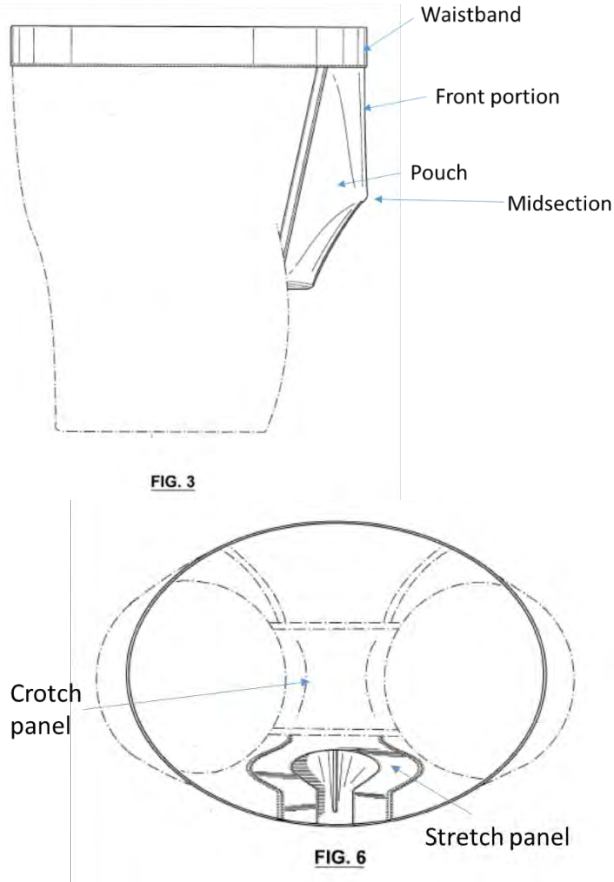
| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>FIG. 3 is a side view of a garment showing a waistband, front portion, pouch, and midsection. FIG. 6 is a top-down view of the garment showing a crotch panel and a stretch panel.</p> <p>To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a garment wherein the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch, one of</p> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) or Obviousness in View of Other Prior Art


| Claim 9 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>ordinary skill in the art would, based on one’s knowledge and the ’058 Design, understand how to modify the disclosure of the ’058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the ’058 Design in view of one or more prior art references to meet this limitation.</p> <p>The Andrew Christian Show-It Underwear is a garment wherein the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p> <p>“The pouch” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p>  <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art


| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 47 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p data-bbox="520 885 1858 954">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  <p data-bbox="520 1226 1858 1295">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 48 of 57****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) or Obviousness in View of Other Prior Art**

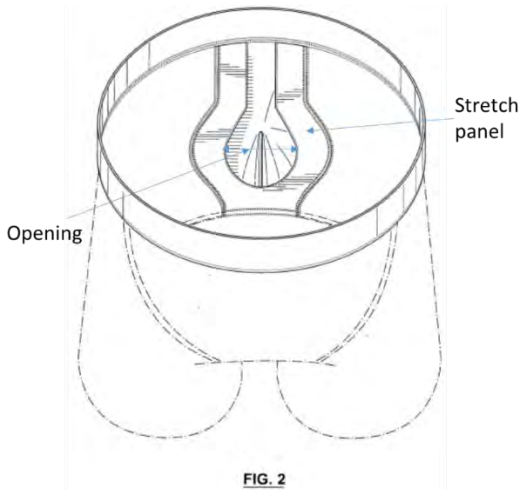
| Claim 10 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend.</p> | <p>See above regarding claim 1.</p> <p>The ’058 Design discloses a garment wherein the elastically resilient four-way stretch material is comprised of a spandex blend. <i>See, e.g.,</i></p>  <p style="text-align: center;">FIG. 2</p> <p>To the extent Plaintiffs contend the ’058 Design does not expressly, implicitly, or inherently disclose elastically resilient four-way stretch material comprised of a spandex blend, one of ordinary skill in the art would, based on one’s knowledge and the ’058 Design, understand how to modify the disclosure of the ’058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the ’058 Design in view of one or more prior art references to meet this limitation.</p> <p>The Andrew Christian Show-It Underwear discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

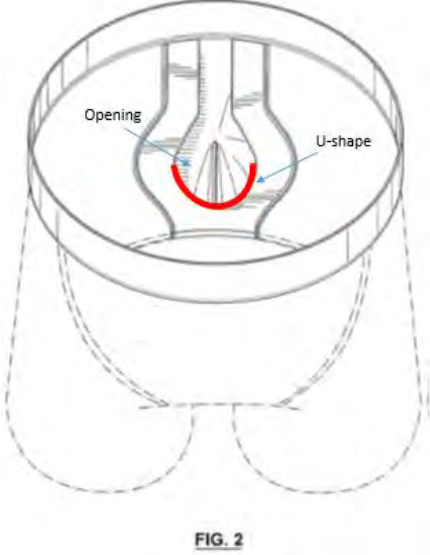
Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 49 of 57****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art**

| Claim 10 | Exemplary Disclosure in Prior Art |
|-----------------|---|
| | <p>“Features: 90% Cotton, 10% Spandex.” “Andrew Christians New League Brief with Show-It Technology for Maximum Frontal Enhancement,” https://www.underwearnewsbriefs.com/2009/12/andrew-christians-new-league-brief-with-show-it-technology-for-maximum-frontal-enhancement/ (December 20, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>The ’218 Publication discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> |

| Claim 13 | Exemplary Disclosure in Prior Art |
|--|---|
| [13] A garment according to claim 1 wherein the opening has a U-shape when the stretch panel is in a relaxed state. | <p>See above regarding claim 1.</p> <p>The ’058 Design discloses a garment wherein the opening has a U-shape when the stretch panel is in a relaxed state. <i>See e.g.,</i></p> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) or Obviousness in View of Other Prior Art

| Claim 13 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p style="text-align: center;">FIG. 2</p> |

| Claim 14 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[14] A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.</p> | <p>See above regarding claim 1.</p> <p>The '058 Design discloses a stretch panel formed from a single unitary piece of fabric. <i>See e.g.</i>,</p> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) or Obviousness in View of Other Prior Art

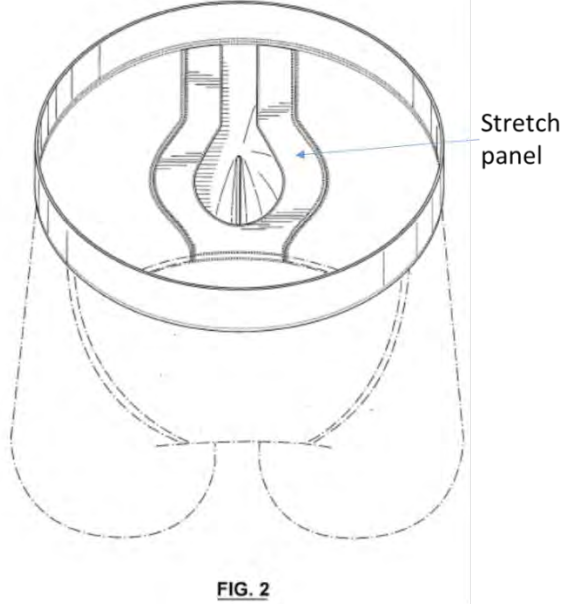
| Claim 14 | Exemplary Disclosure in Prior Art |
|----------|---|
| | <div data-bbox="533 277 1089 878">  <p data-bbox="1003 386 1089 444">Stretch panel</p> <p data-bbox="743 850 800 873">FIG. 2</p> </div> <p data-bbox="525 922 1892 1101">To the extent Plaintiffs contend the ’058 Design does not expressly, implicitly, or inherently disclose a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one’s knowledge and the ’058 Design, understand how to modify the disclosure of the ’058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the ’058 Design in view of one or more prior art references to meet this limitation.</p> <p data-bbox="525 1141 1871 1214">The Andrew Christian Show-It Underwear’s stretch panel is formed from a single unitary piece of woven fabric. <i>See, e.g.,</i></p> <p data-bbox="525 1255 1892 1393">“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 52 of 57****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art**

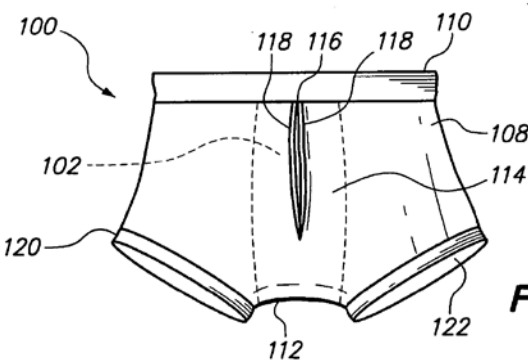
| Claim 14 | Exemplary Disclosure in Prior Art |
|---|---|
| | <p>Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>The ’874 Publication discloses a stretch panel [rear panel 114] formed from a single unitary piece of woven fabric [fabric 108]. <i>See e.g.</i>,</p>  <p style="text-align: right;">FIG. 2</p> <p>[0022] “In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable.”</p> <p>[0024] “The rear panel 114 is also comprised of the fabric 108.”</p> |
| Claim 15 | Exemplary Disclosure in Prior Art |
| <p>[15] A garment according to claim 1 wherein the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front</p> | <p>See above regarding claim 1.</p> <p>The ’058 Design discloses a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.</i>,</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 53 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

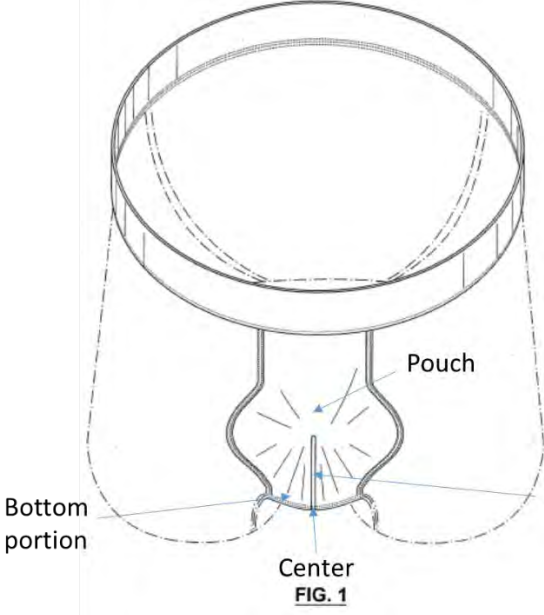
| Claim 15 | Exemplary Disclosure in Prior Art | |
|---|--|--|
| of and underneath the genitals of a wearer. |  | |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 54 of 57****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) or Obviousness in View of Other Prior Art**

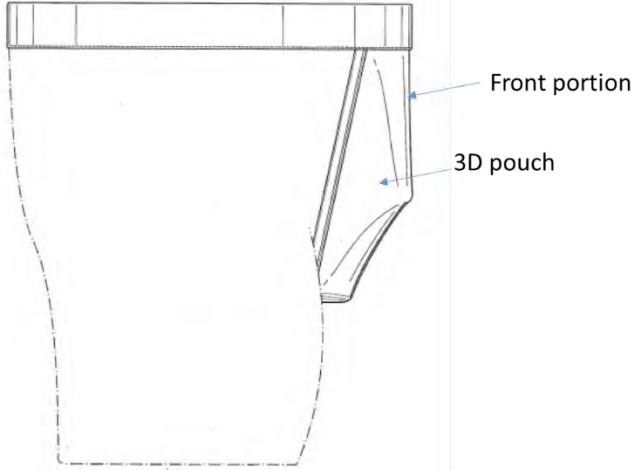
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|---|
| |  <p data-bbox="701 805 756 824">FIG. 3</p> <p data-bbox="522 878 1877 1092">To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of one or more prior art references to meet this limitation. <i>See, e.g.,</i></p> <p data-bbox="522 1133 1829 1239">The Andrew Christian Show-It Underwear includes a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 55 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art


| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p>“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p>  <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> <p>Furthermore, the ’571 Patent discloses the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 56 of 57****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art**

| Claim 15 | Exemplary Disclosure in Prior Art |
|-----------------|---|
| | <p>“Thus, in embodiments where pouch compartment 18 has at least two layers of material (an inner layer 18' and an outer layer 18"), seam 18a is formed along the medial plane B (orthogonal to plane A containing where seams 20 run along front walls 26) in the outer layer of material 18", and inner liner 18' is positioned behind outer layer 18" so as to be adjacent the genitalia. In a preferred embodiment, inner liner 18' does not have a seam in contact with phallus 16, and preferably not in contact with the head 16a of the phallus. Rather, the front of inner liner 18' is one continuous soft, light piece of the above mentioned elasticized mesh material extending continuously from and between its laterally opposite seams 26a. Thus the apex point, generally indicated at 18b, of the portion of the pear-shaped pouch 18 containing the head 16a of the penis, does not have vertical or other seam closely adjacent to irritate the head 16a. As seen in FIG. 9, inner liner 18' has at its rearmost end, that is, adjacent perineum 24, a pair of divergent tails which when joined along seam 18b' form a shelf-like tableau or plateau 18a' cradling the underside of scrotum 14. Forward of tableau 18a' inner liner 18' is seamless so as to not irritate head 16a of phallus 16 when resting naturally at apex point 18b. Thus it will be seen also that one advantage of using a boxer-style 60 brief is that the boxer-style provides improved room in the front for forming the pouch compartment, as compared to more constrictive styles of brief which pull relatively tightly in over the genitals.” (4:38-63)</p> <p>The '218 Publication discloses a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p> <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. . . . Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p> |

Exhibit G-1**Invalidity of U.S. Patent No. 10,034,496****Page 57 of 57**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) or Obviousness in View of Other Prior Art

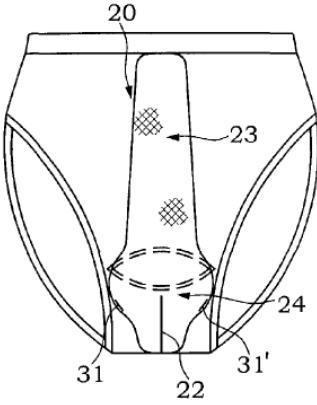
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p data-bbox="674 735 762 776">Fig.3</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 1 of 53****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Obviousness in View of Other Prior Art**

Upon information and belief, the disclosure of Canadian Industrial Design Registration No. 133058 (registered and published June 17, 2010) (the “’058 Design”) either expressly, implicitly, or inherently anticipates the asserted claims of U.S. Patent No. 9,687,030 under 35 U.S.C. § 102, and/or renders those claims obvious under 35 U.S.C. § 102 in view of U.S. Patent Publication 2009/0106874 (published April 30, 2009) (“’874 Publication”), International Publication No. WO 98/39981 (published Sept. 17, 1998) (“WO 98/39981”), the Andrew Christian Show-It Underwear, U.S. Patent Publication No. 2004/0025218 (published Feb. 12, 2004) (“’218 Publication”), and/or U.S. Patent No. 7,958,571 (issued June 14, 2011; published as 2008/0178369 on July 31, 2008) and/or the Saxx underwear products (“’571 Patent”) as set forth in the chart below.

The following contentions are subject to revision and amendment pursuant to Federal Rule of Civil Procedure 26(e) and the Court Orders in this matter subject to further investigation and discovery regarding the references.

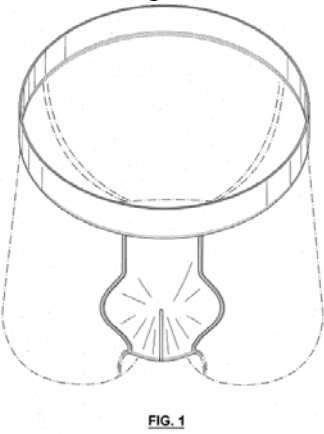
| Claim 1 | Exemplary Disclosure in Prior Art |
|---|---|
| [1.pre] 1. A male garment comprising: | <p>The ’058 Design discloses a male garment. <i>See, e.g.,</i></p>  <p style="text-align: center;">FIG. 1</p> |
| [1.1] a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the | <p>The ’058 Design discloses a body including a front portion and having leg openings for a wearer's legs and a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 2 of 53****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Obviousness in View of Other Prior Art**

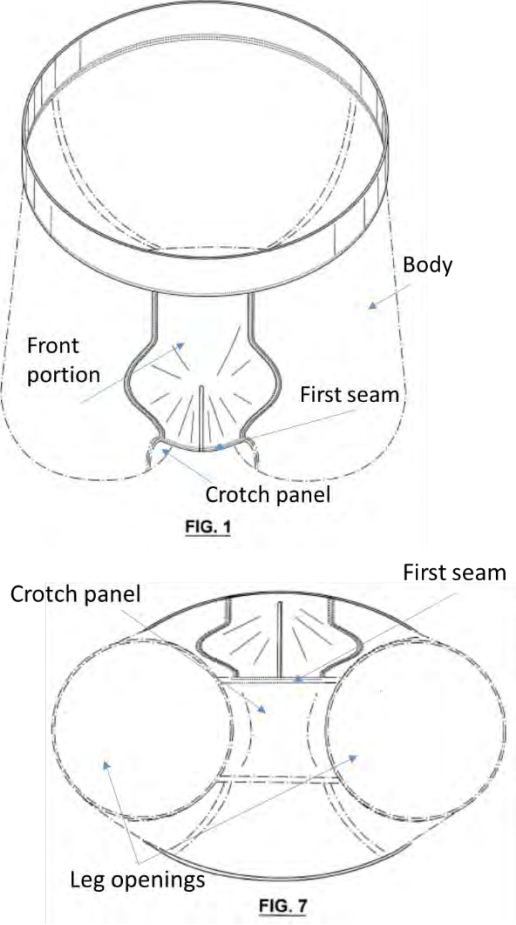
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| leg openings and joined to the front portion along a first seam; |  <p>The diagrams illustrate a garment design. FIG. 1 is a perspective view of the front portion of the garment, showing a crotch panel and a first seam. FIG. 7 is a perspective view of the leg openings, showing the crotch panel and the first seam. The diagrams are labeled with 'Body', 'Front portion', 'First seam', 'Crotch panel', and 'Leg openings'.</p> <p>To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a crotch panel extending between the leg openings and joined to the front portion along a first seam, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of one or more prior art references to meet this limitation.</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 3 of 53**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

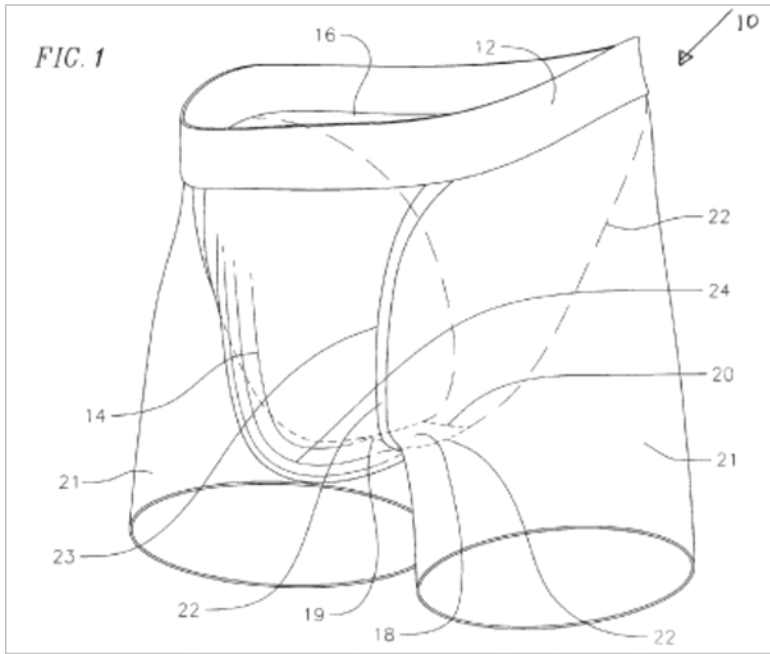
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>The '369 Patent discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>“The stability anchor 18 connects the groin portion 14 to the back portion 16 by extending from the groin portion 14 to the back portion 16 while laterally following the contour of the inner thigh portions of the leg portions 20 and being connected to the leg portions 20.” (3:20-24)</p>  <p>FIG. 1</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 4 of 53**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

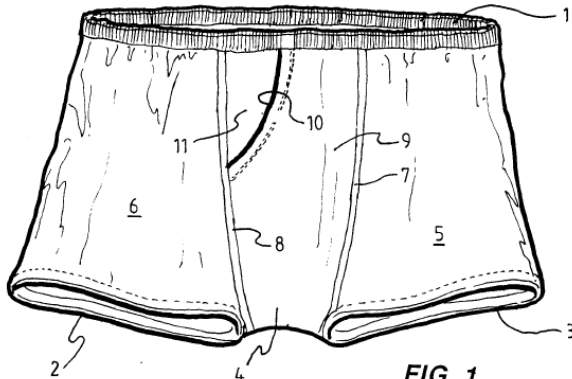
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>WO 98/39981 discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> <p>“The style of the underpants providing an outer garment are conventional boxer shorts which is a style known and found to be very comfortable for normal usage. In accord with this embodiment there are full legs 2 and 3, and a joining panel 4 which is joined to leg panels 5 and 6 by seams 7 and 8. Seams 7 and 8 support a front panel 9 which is openable along the join at 10 and there is a back panel 11 behind this the joining edge of which is shown for instance in FIG 2 at 12 so that for normal purposes of relief, the penis can be manoeuvred between the several panels.” (3:22-4:4)</p>  <p style="text-align: center;">FIG. 1</p> |

Exhibit G-2

Invalidity of U.S. Patent No. 9,687,030

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

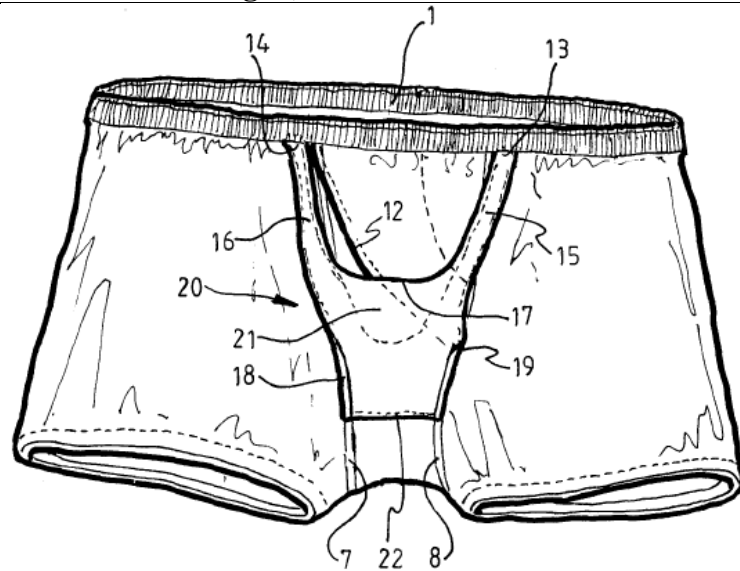


FIG. 2

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="539 277 1134 891"> </div> <div data-bbox="1052 891 1152 932"> <p>FIG. 4</p> </div> <div data-bbox="520 943 1873 1057"> <p>The '285 Publication discloses a body including a front portion and having leg openings for a wearer's legs, the body including a crotch panel extending between the leg openings and joined to the front portion along a first seam. <i>See, e.g.,</i></p> </div> <div data-bbox="520 1091 1892 1268"> <p>"[0028] FIG. 7 shows is a frontal perspective view of a second, alternative embodiment of the multipurpose undergarment in accordance with the invention. In this embodiment, the undergarment shown generally at 70 again includes front leg portions 71 and 72 with corresponding leg openings 78a and 78b and includes a conventional front opening (fly) 73 secured by stitching to the front panel as shown at 75."</p> </div> <div data-bbox="520 1310 1864 1380"> <p>"[0029] Not unlike the embodiment depicted in FIG. 1, the top edge of the pouch as shown in FIG. 7 can be secured to the interior of the undergarment along the elastic waste band (shown generally at 79). The</p> </div> |

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

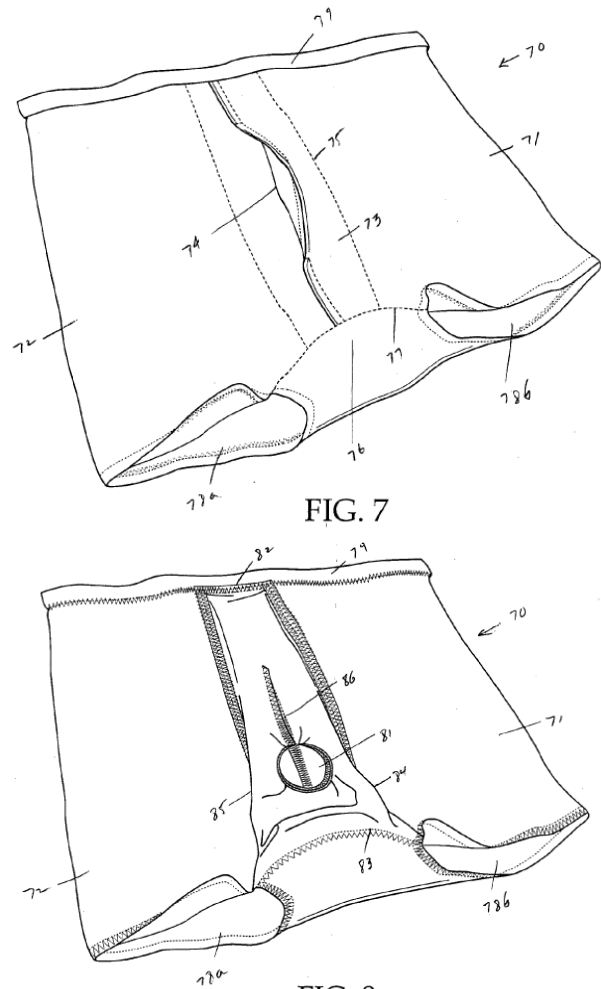
| | |
|-----------------------|--|
| <p>Claim 1</p> | <p>Exemplary Disclosure in Prior Art</p> |
| | <p>bottom edge can likewise be secured along the bottom portion 76 of the undergarment as shown along line 77.”</p>  <p>FIG. 7 is a perspective view of an undergarment 70, such as a pair of briefs, showing a central opening 74. A closure mechanism 75 is positioned along the opening. The undergarment includes a waistband 71 and leg openings 72. A bottom edge 76 is shown. A dashed line 77 indicates a line of attachment or securing. A small detail 78a is shown near the bottom edge.</p> <p>FIG. 8 is a perspective view of the undergarment 70, showing a different closure mechanism 81. This mechanism includes a circular component 82 and a strap 83. The undergarment also features a waistband 71, leg openings 72, and a bottom edge 76. A dashed line 84 indicates a line of attachment or securing. A small detail 85 is shown near the bottom edge.</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 8 of 53****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Obviousness in View of Other Prior Art**

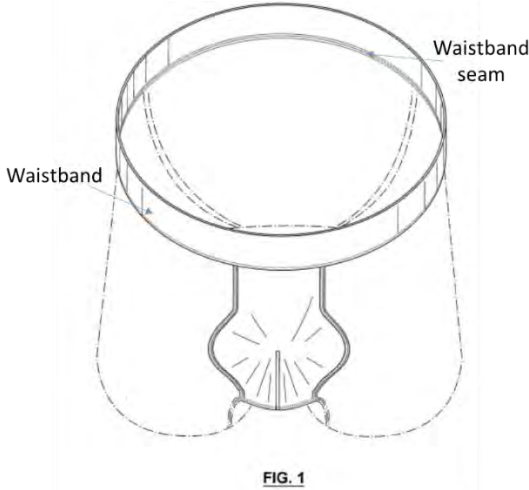
| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| | During prosecution of U.S. Pat. No. 9,687,030, the Applicant did not dispute that the '285 Publication meets this element. (See Amendment, July 8, 2014, pages 6-7.) |
| <p>[1.2] a waistband attached by a waistband seam at an upper edge of the body;</p> | <p>The '058 Design discloses a waistband attached by a waistband seam at an upper edge of the body. <i>See, e.g.,</i></p>  <p style="text-align: center;">FIG. 1</p> |
| <p>[1.3] a stretch panel attached to the body inside the front portion, the stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges</p> | <p>The '058 Design discloses a stretch panel attached to the body inside the front portion having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See e.g.,</i></p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 9 of 53**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

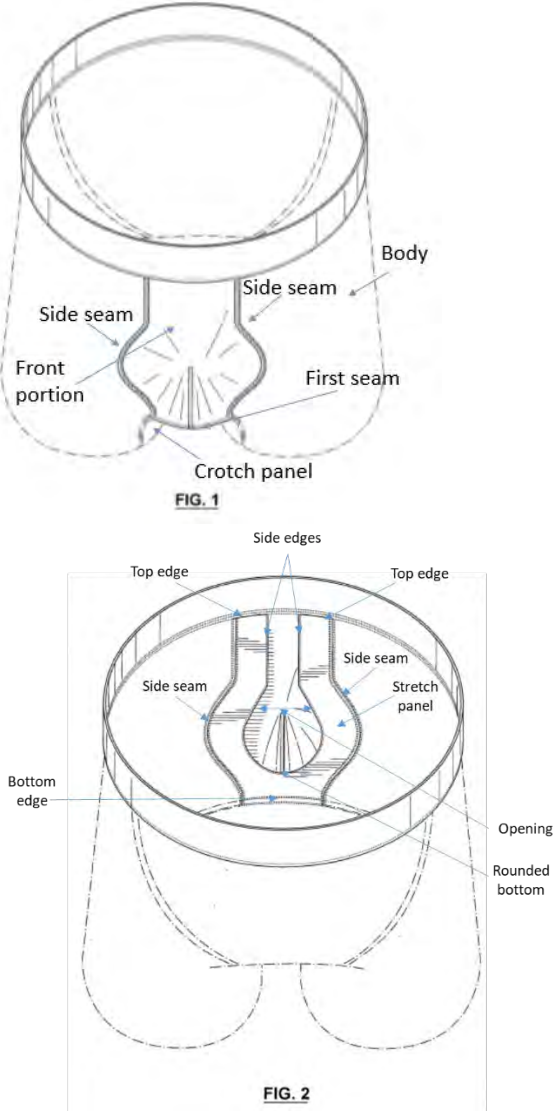
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals, the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening;</p> |  <p>FIG. 1 is a perspective view of a garment (e.g., briefs) showing a front portion, side seams, a first seam, a crotch panel, and a body. FIG. 2 is a perspective view of a garment (e.g., briefs) showing side edges, top edge, bottom edge, side seams, a stretch panel, an opening, and a rounded bottom.</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 10 of 53**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Obviousness in View of Other Prior Art

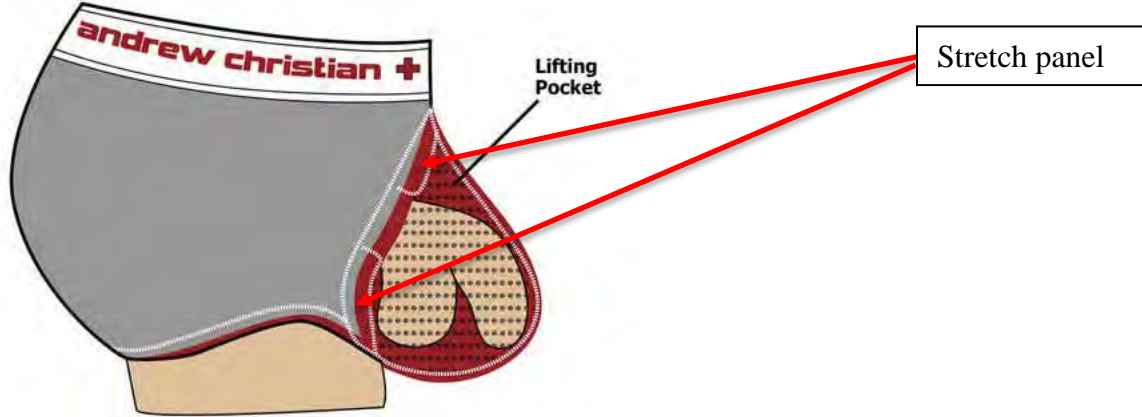
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>To the extent Plaintiffs contend the ’058 Design does not expressly, implicitly, or inherently disclose elastically resilient four-way stretch material having a bottom edge attached at the first seam and/or side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam, one of ordinary skill in the art would, based on one’s knowledge and the ’058 Design, understand how to modify the disclosure of the ’058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the ’058 Design in view of one or more prior art references to meet this limitation.</p> <p>The Andrew Christian Show-It Underwear includes a stretch panel attached to the body inside the front portion. <i>See, e.g.,</i></p>  <p>The diagram shows a pair of men's underwear. A red dashed line outlines a triangular area on the front, labeled 'Lifting Pocket'. A red solid line outlines a rectangular area on the side, labeled 'Stretch panel'. Red arrows point from the text labels to the corresponding areas on the underwear.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 11 of 53**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>The Andrew Christian Show-It Underwear includes a stretch panel comprising a sheet of elastically resilient four-way stretch material having a top edge attached to the body at the waistband seam, a bottom edge attached at the first seam, side edges attached to the body at side seams extending substantially continuously along either side of the front portion from the first seam to the waistband seam and an opening for receiving a wearer's genitals. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

Exhibit G-2

Invalidity of U.S. Patent No. 9,687,030

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

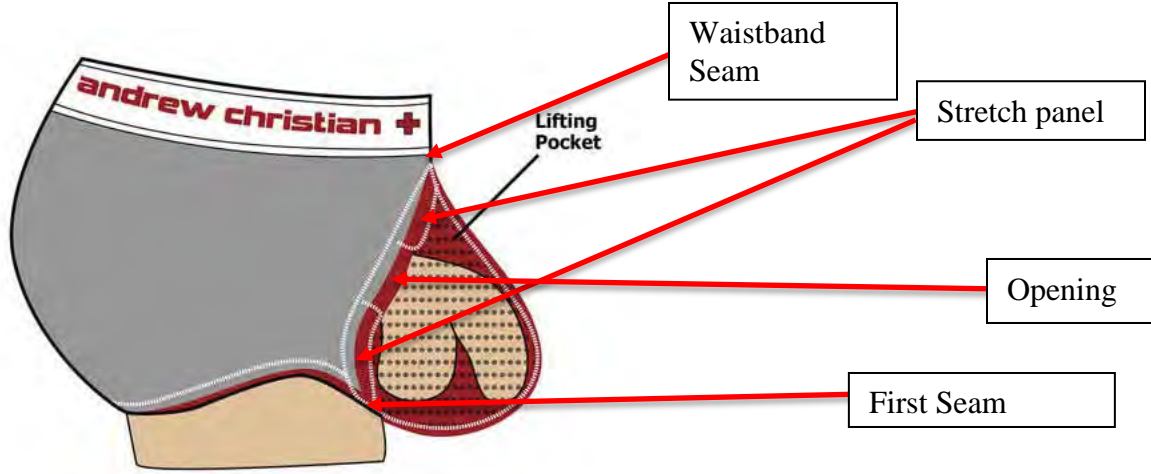

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 13 of 53**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 14 of 53**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| |  <p>“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>The Andrew Christian Show-It Underwear includes the opening having a rounded bottom edge and opposing side edges that are spaced apart from one another on either side of the opening. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

Exhibit G-2

Invalidity of U.S. Patent No. 9,687,030

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Obviousness in View of Other Prior Art

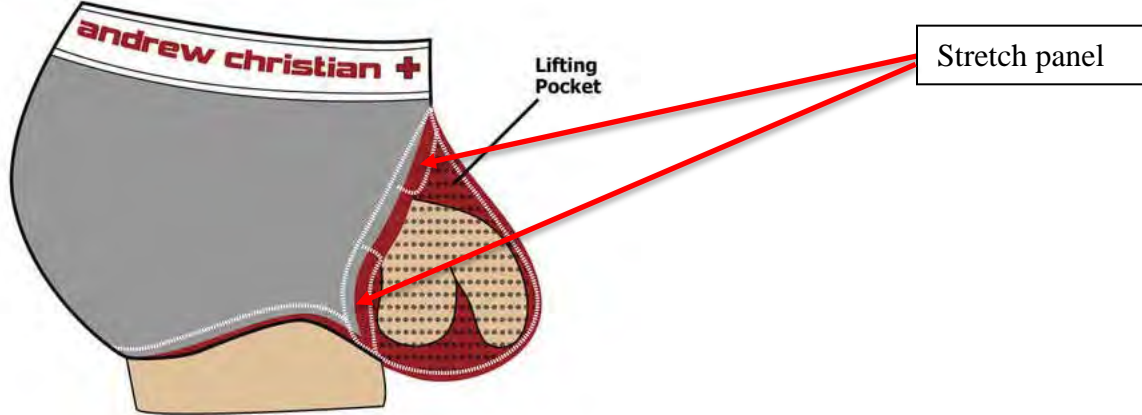

| Claim 1 | Exemplary Disclosure in Prior Art |
|---|--|
| |  <p>The diagram shows a pair of men's underwear with a grey front panel and a red side panel. A red dashed line outlines a 'Lifting Pocket' on the side panel. A red arrow points from a box labeled 'Stretch panel' to the side panel. The waistband is white with the text 'andrew christian' and a red cross logo.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>The smaller diagram shows a similar pair of men's underwear with a grey front panel and a red side panel. A red dashed line outlines a 'Lifting Pocket' on the side panel. The waistband is white with the text 'andrew christian' and a red cross logo.</p> <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |
| [1.4] the stretch panel being resiliently elastic both in a direction between the top | The ’058 Design discloses a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 16 of 53****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art**

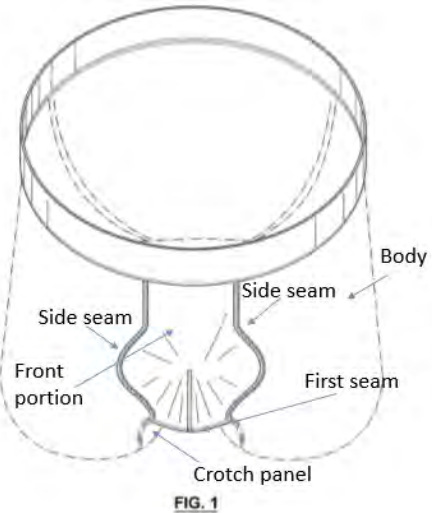
| Claim 1 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>edge and the bottom edge and in a direction between the side edges, the stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion for receiving the wearer's genitals and holding the wearer's genitals while the garment is being worn.</p> | <p>gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion. <i>See e.g.</i>,</p>  <p>FIG. 1</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 17 of 53**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

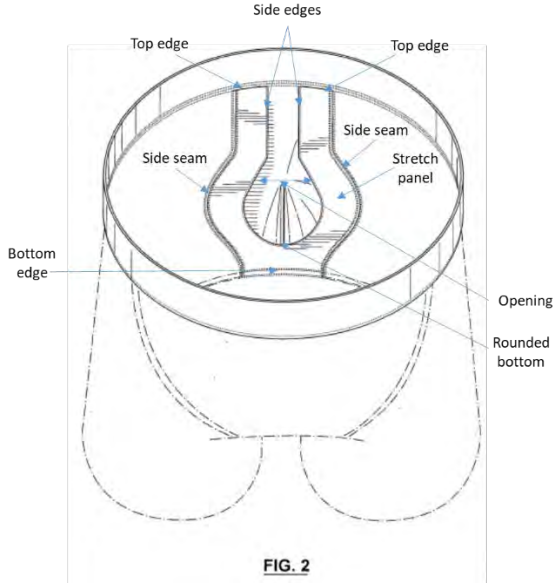
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="798 836 850 852">FIG. 2</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 18 of 53**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Obviousness in View of Other Prior Art

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="535 293 1155 755"> </div> <p data-bbox="695 792 751 813">FIG. 3</p> <p data-bbox="520 862 1892 1187">To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams such that the front portion is gathered from side-to-side and top-to-bottom by the stretch panel and defines a three-dimensional pouch between the stretch panel and the front portion, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of one or more prior art references to meet this limitation.</p> <p data-bbox="520 1227 1892 1300">The Andrew Christian Show-It Underwear includes a stretch panel being resiliently elastic both in a direction between the top edge and the bottom edge and in a direction between the side edges. <i>See, e.g.,</i></p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 19 of 53**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

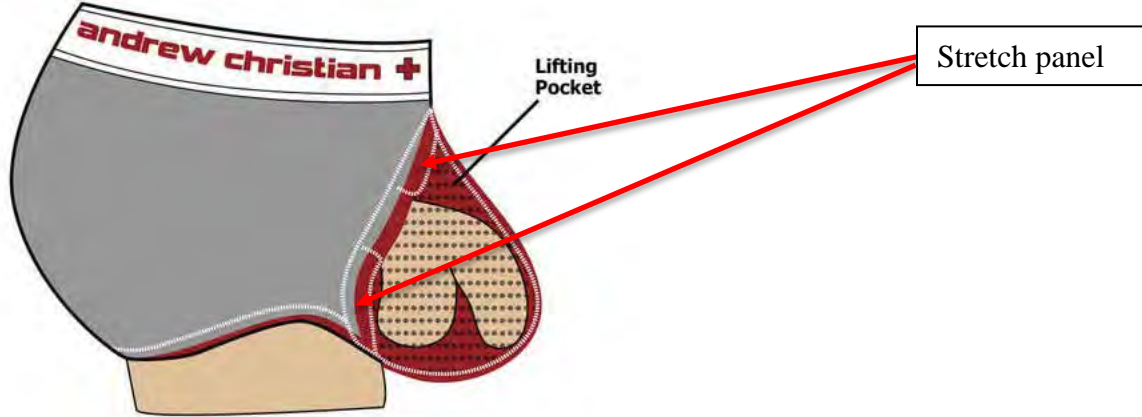
| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>The diagram illustrates a pair of men's underwear, specifically a brief, with a grey main body and a red elastic support panel on the side. A white label with the text "andrew christian +" is visible on the waistband. A red dashed line outlines a "Lifting Pocket" within the red panel. A red arrow points from a box labeled "Stretch panel" to the red elastic support panel. Another red arrow points from the "Lifting Pocket" label to the pocket area.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 20 of 53**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art


| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>The Andrew Christian Show-It Underwear includes a stretch panel having a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 21 of 53**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

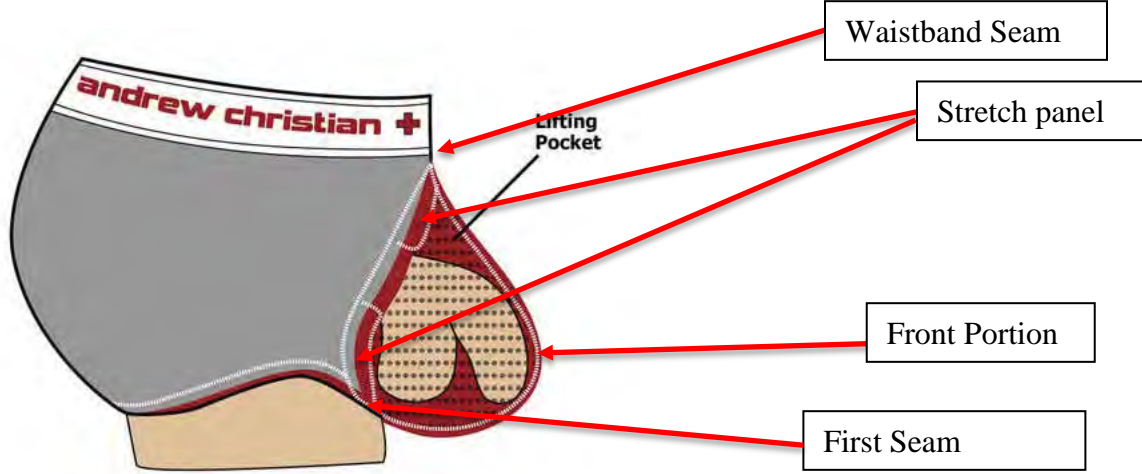

| Claim 1 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>The front portion of the Andrew Christian Show-It Underwear defines a three-dimensional pouch between the stretch panel and the front portion for receiving and holding the wearer’s genitals.</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 22 of 53****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art**

| Claim 1 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>Alternatively, one of ordinary skill in the art would understand how to make a garment wherein the front portion is gathered from side-to-side and top-to-bottom by the stretch panel, wherein the stretch panel has a length when unstretched smaller than a length measured along the front portion between the first seam and the waistband seam and a width when unstretched smaller than a width measured along the front portion between the side seams. For example, EP O 476 818 teaches a method of gathering from side-to-side and top-to-bottom by an elastic fabric. <i>See, e.g.,</i></p> <p>“The garment now has a waist opening 31 and in accordance with the present invention, an elasticated band 32 is secured in face to face contact to a marginal portion 33 of the garment surrounding the waist opening 31. The band 32 is secured to the garment whilst in a tensioned condition (i.e. stretched condition) so that on relaxation, the fabric of the marginal portion 33 is ruched thereby enabling the band to stretch when the garment is being worn.” (4:4-12)</p> <p>“The operative inserts the garment over the band, drops the presser foot 56, sews a pre-set number of stitches, typically two or three, after which the roller 59 drops automatically, and the metering device 62 automatically reverses to apply the pre-programmed tension to the band so that the ruched effect can be achieved.” (6:47-53)</p> |

| Claim 2 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>[2] A garment according to claim 1 wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a</p> | <p>See above regarding claim 1.</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 23 of 53****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Obviousness in View of Other Prior Art**

| Claim 2 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>direction at right angles to the waistband.</p> | <div data-bbox="525 276 1039 852"> <p>FIG. 2</p> </div> <p>To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of one or more prior art references to meet this limitation.</p> <p>The Andrew Christian Show-It Underwear is a garment wherein the stretch panel has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See, e.g.,</i></p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 24 of 53****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art**

| Claim 2 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> <p>“The Show-It design has a hidden “comfy cup” that gently lifts your package giving it a more pronounced appearance.” “Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>The ’369 Patent discloses asymmetrical stretch characteristics of a fabric such that it stretches more easily in one direction and less easily in a direction at right angles to the first direction. <i>See, e.g.,</i></p> <p>“With reference to FIG. 3, the warp knit is generally known in the art for having strands 26 running substantially parallel along a direction 27 of the fabric. Lateral threads 28 running substantially perpendicular to the strands 26 and in a direction 29 encircle sets of two strands 26 at once. Each adjacent lateral thread 28 encircles one of the two strands 26 in the first set and one of the two strands 26 from the second set. This pattern is repeated throughout. The warp knit, by virtue of having parallel strands 26 along the direction 27 of the fabric, is resistant to stretch in the direction 27 when compared to other knitted fabrics, which may undesirably stretch. Thus, the warp knit fabric stretches less along the direction 27 than along the direction 29.” (2:40-52)</p> <p>“The warp knit fabric used to form the groin portion 14 can stretch a relatively greater amount in the horizontal direction, roughly parallel to the waistband, than in the vertical direction. The ability to stretch in the horizontal direction allows for the accommodation of different sizes and shapes of male genitals.</p> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

| Claim 2 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>The groin portion stretches in the horizontal direction to accommodate the genitals of the supporter user while maintaining slight pressure on the genitals in the horizontal direction, thus aiding the cupping and compression functions of the supporter 10.” (3:1-10)</p> <div data-bbox="535 435 1192 1089"> <p>FIG. 3</p> </div> <p>The '874 Publication discloses a stretch panel [rear panel 114] that has asymmetrical stretch characteristics such that the stretch panel stretches more easily in a direction parallel to the waistband and less easily in a direction at right angles to the waistband. <i>See e.g.</i>, [0022 and 0024].</p> <p>[0022] “In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable.”</p> <p>[0024] “The rear panel 114 is also comprised of the fabric 108.”</p> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Obviousness in View of Other Prior Art

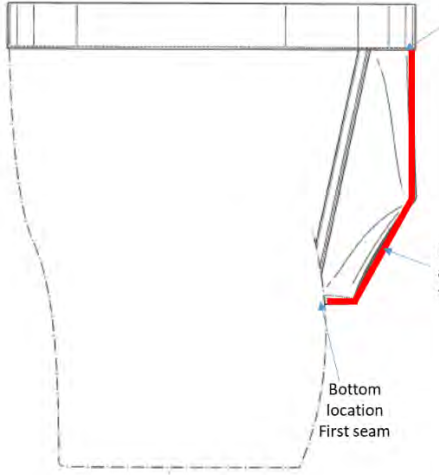
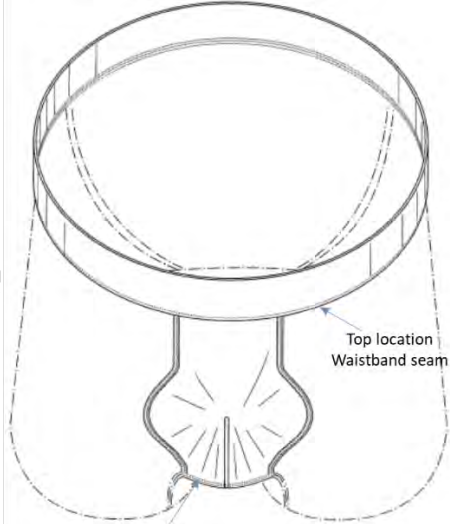
| Claim 5 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[5] A garment according to claim 1 wherein the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%.</p> | <p>See above regarding claim 1.</p> <p>The '058 Design discloses a garment where the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel, when unstretched, by at least 30%. <i>See e.g.</i>,</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div data-bbox="541 597 1096 1140">  <p>Top location Waistband seam</p> <p>Length measured along material of front portion</p> <p>Bottom location First seam</p> <p>FIG. 3</p> </div> <div data-bbox="1096 571 1543 1156">  <p>Top location Waistband seam</p> <p>Bottom location First seam</p> <p>FIG. 1</p> </div> </div> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Obviousness in View of Other Prior Art

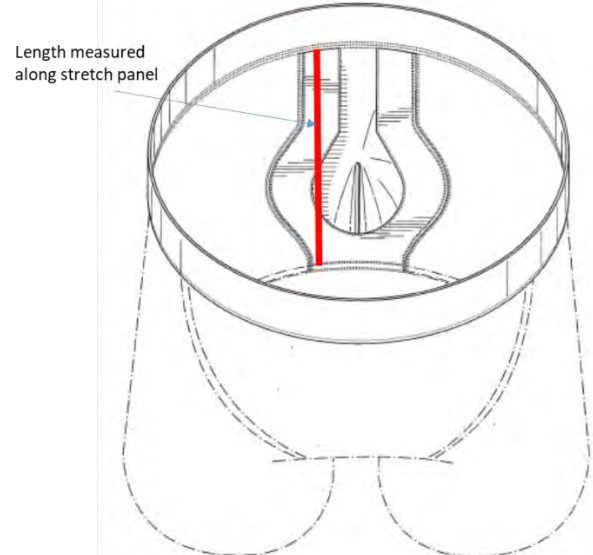
| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="525 276 1113 828">  </div> <p data-bbox="856 868 913 893">FIG. 2</p> <p data-bbox="525 909 1890 1128">To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a garment where the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of one or more prior art references to meet this limitation.</p> <p data-bbox="525 1161 1890 1274">In the Andrew Christian Show-It Underwear, the length measured along material of the front portion from the first seam to the waistband seam exceeds a length measured along the fabric of the stretch panel when unstretched, by at least 30%. <i>See, e.g.,</i></p> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

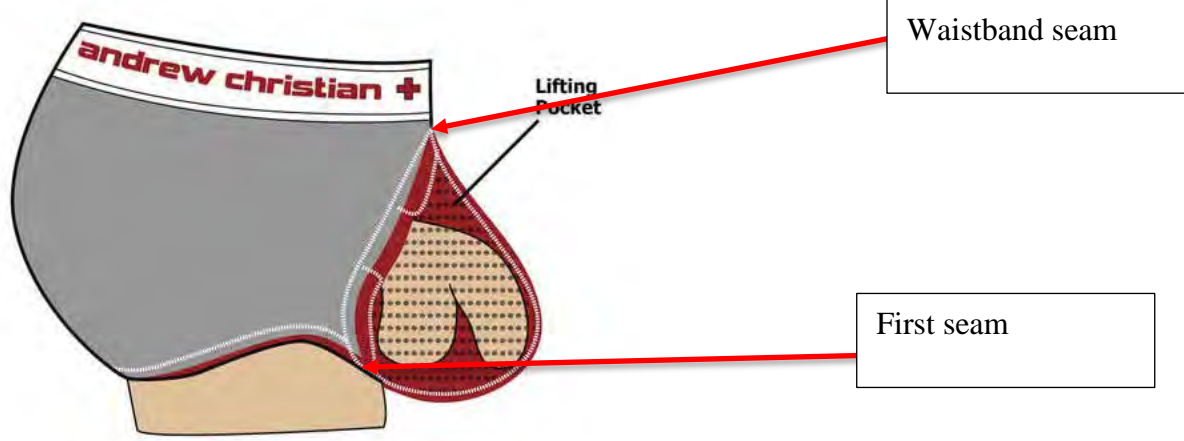

| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>The diagram shows a pair of men's underwear with a grey body and a red waistband. A red line points from a box labeled 'Waistband seam' to the waistband. Another red line points from a box labeled 'First seam' to the seam of a red 'Lifting Pocket' on the fly. A black arrow points to the pocket with the label 'Lifting Pocket'.</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>A smaller version of the same underwear diagram, showing the 'Lifting Pocket' and 'Waistband seam'.</p> <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 29 of 53**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

| Claim 5 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <p>soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p>  <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art


| Claim 5 | Exemplary Disclosure in Prior Art |
|--|---|
| | <p data-bbox="527 280 1856 350">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  <p data-bbox="527 889 1835 995">“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |
| Claim 6 | Exemplary Disclosure in Prior Art |
| <p data-bbox="117 1146 491 1252">[6] A garment according to claim 1 wherein the garment is a pair of undershorts.</p> | <p data-bbox="527 1146 898 1179">See above regarding claim 1.</p> <p data-bbox="527 1219 1255 1252">The '058 Design discloses a pair of undershorts. <i>See e.g.</i>,</p> <p data-bbox="527 1292 919 1325">“Men’s Undergarment” (Title)</p> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

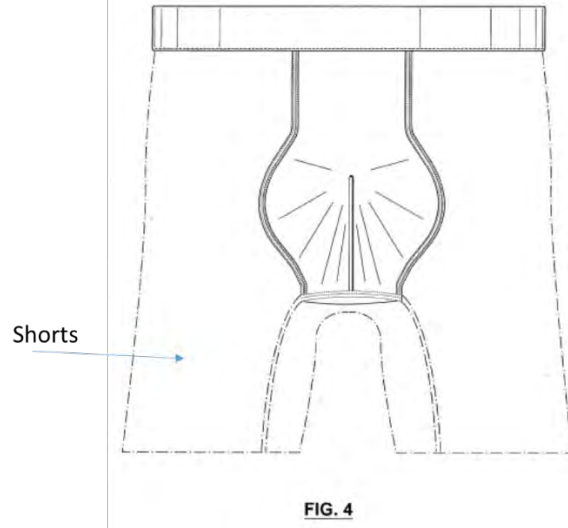
| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <div data-bbox="531 293 1094 818">  <p data-bbox="829 792 884 812">FIG. 4</p> </div> <p data-bbox="522 862 1608 894">Further, the Andrew Christian Show-It Underwear is a pair of undershorts. <i>See, e.g.,</i></p> <p data-bbox="522 935 1803 1040">“The line consists of boxer-briefs, briefs, jocks and swimwear.” “Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 32 of 53**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

| Claim 6 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="527 883 1856 954">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  <p data-bbox="527 1224 1856 1295">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 33 of 53****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Obviousness in View of Other Prior Art**

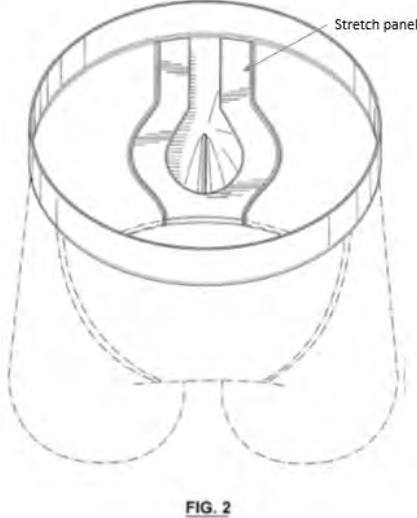
| Claim 7 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[7] A garment according to claim 1 wherein the stretch panel comprises a fabric different from a fabric of the body.</p> | <p>See above regarding claim 1.</p> <p>The '058 Design discloses a stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p>  <p>To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a stretch panel comprises a fabric different from a fabric of the body, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify '058 Design in view of one or more prior art references to meet this limitation.</p> <p>The Andrew Christian Show-It Underwear includes a stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 34 of 53****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art**

| Claim 7 | Exemplary Disclosure in Prior Art |
|----------------|--|
| | <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>The ’571 Patent discloses the stretch panel comprising a fabric different from a fabric of the body. <i>See, e.g.,</i></p> <p>“The performance material used advantageously in the side panels of the present invention is a soft elasticized breathable mesh knit weave (in a so-called four-by-four stretch weave) containing 80% Nylon™ and 20% Spandex™. Pouch 18 may be of a material containing 82% polyester and 18% Spandex™. In one embodiment, the balance of brief 10 is of the same material, however in an alternative embodiment, the balance of brief 10 is made of a 92% cotton, 8% Spandex™ fabric.” (4:25-33)</p> |

| Claim 8 | Exemplary Disclosure in Prior Art |
|--|---|
| [8] A garment according to claim 1 wherein the opening has a width in excess of 2 cm. | <p>See above regarding claim 1.</p> <p>The ’058 Design discloses an opening with a width in excess of 2 cm. <i>See, e.g.,</i></p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 35 of 53**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

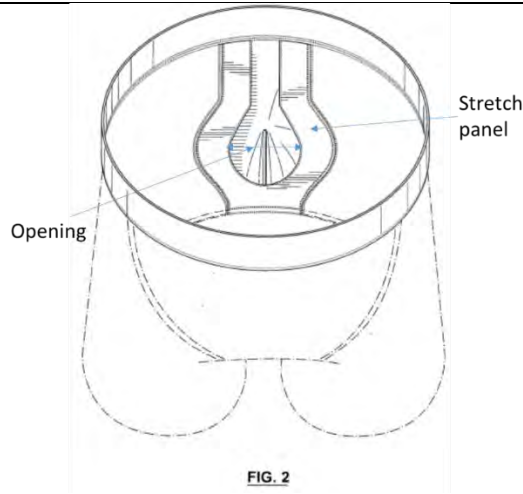
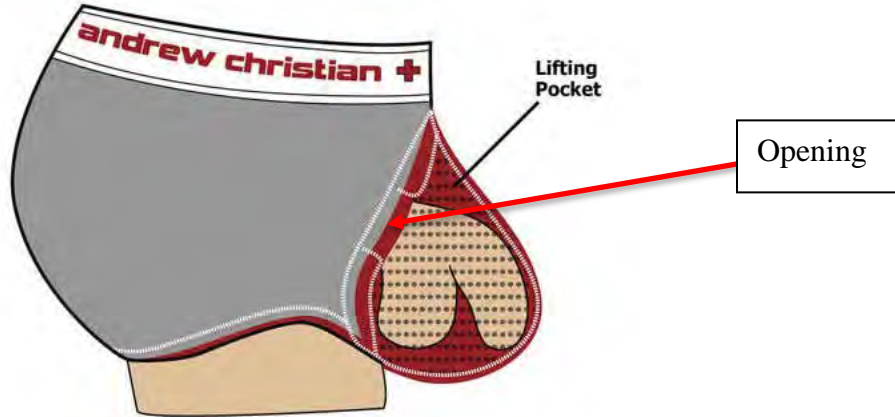
| Claim 8 | Exemplary Disclosure in Prior Art |
|---------|---|
| | <div data-bbox="531 272 1050 763">  </div> <p data-bbox="520 802 1619 837">Further, the Andrew Christian Show-It Underwear discloses this limitation. <i>See, e.g.,</i></p> <div data-bbox="541 898 1430 1312">  </div> <p data-bbox="520 1344 1474 1380">“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 36 of 53****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Obviousness in View of Other Prior Art**

| Claim 8 | Exemplary Disclosure in Prior Art |
|----------------|---|
| | <p>“The Show-It design has a hidden “comfy cup” that gently lifts your package giving it a bigger more pronounced appearance. When I first saw the way these undies were constructed, I was a little apprehensive about the elastic being uncomfortable under my package; but as soon as I slipped them on, the elastic on the “comfy cup” wasn’t even noticeable.”</p> <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009) (emphasis added).</p> |

| Claim 9 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[9] A garment according to claim 1 wherein: the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch.</p> | <p>See above regarding claim 1.</p> <p>The '058 Design discloses a garment wherein the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 37 of 53**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Obviousness in View of Other Prior Art

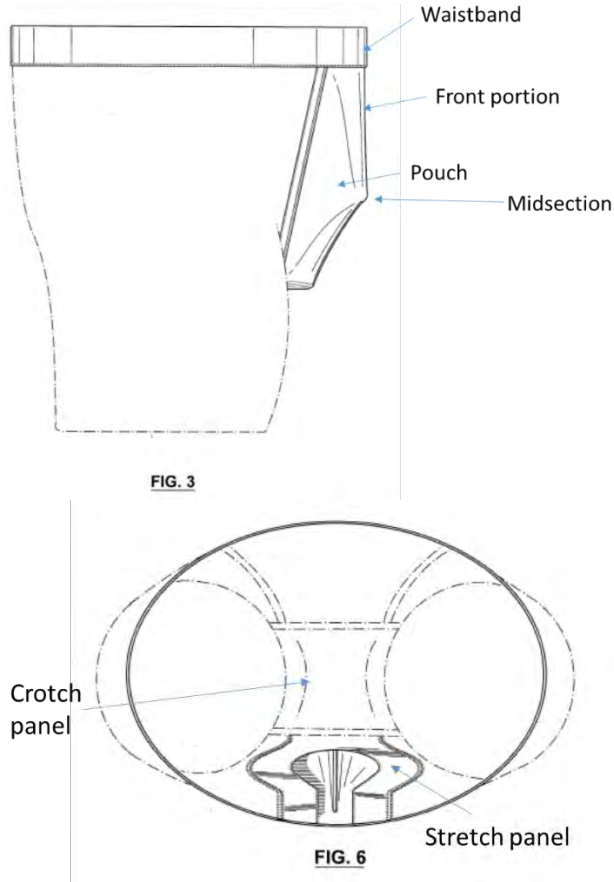
| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>FIG. 3 is a perspective view of a garment (e.g., briefs) showing a waistband, a front portion, a pouch, and a midsection. FIG. 6 is a plan view of the garment showing a crotch panel and a stretch panel.</p> <p>To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a garment wherein the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch, one of</p> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Obviousness in View of Other Prior Art


| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|--|
| | <p>ordinary skill in the art would, based on one’s knowledge and the ’058 Design, understand how to modify the disclosure of the ’058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the ’058 Design in view of one or more prior art references to meet this limitation.</p> <p>The Andrew Christian Show-It Underwear is a garment wherein the front portion depends downwardly from the waistband and the front portion is formed to provide the pouch at a mid-section thereof; the stretch panel is positioned to be disposed forward of a wearer's perineum when the garment is worn, whereby, in use, a scrotum of a wearer of the garment is supported underneath by the stretch panel to contain a wearer's penis and scrotum in the pouch. <i>See, e.g.,</i></p> <p>“The pouch” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p>  <p>The diagram shows a side view of a pair of men's underwear. The waistband is white with the text "andrew christian" in red and a red cross symbol. The main body of the underwear is grey. A red, textured, teardrop-shaped "Lifting Pocket" is shown attached to the front of the underwear, with a line pointing to it from the label "Lifting Pocket".</p> <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 39 of 53**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art


| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 40 of 53**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

| Claim 9 | Exemplary Disclosure in Prior Art |
|---------|---|
| |  <p data-bbox="527 883 1856 954">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  <p data-bbox="527 1224 1856 1295">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 41 of 53****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Obviousness in View of Other Prior Art**

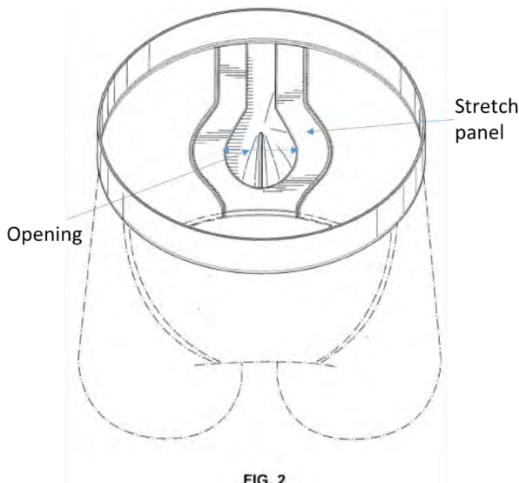
| Claim 10 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[10] A garment according to claim 1, wherein the elastically resilient four-way stretch material is comprised of a spandex blend.</p> | <p>See above regarding claim 1.</p> <p>The ’058 Design discloses a garment wherein the elastically resilient four-way stretch material is comprised of a spandex blend. <i>See, e.g.,</i></p>  <p style="text-align: center;">FIG. 2</p> <p>To the extent Plaintiffs contend the ’058 Design does not expressly, implicitly, or inherently disclose elastically resilient four-way stretch material comprised of a spandex blend, one of ordinary skill in the art would, based on one’s knowledge and the ’058 Design, understand how to modify the disclosure of the ’058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the ’058 Design in view of one or more prior art references to meet this limitation.</p> <p>The Andrew Christian Show-It Underwear discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p>“The horseshoe shaped inner cup is lined by soft elastic that gently aids in the lifting...” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p> |

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| Claim 10 | Exemplary Disclosure in Prior Art |
|-----------------|---|
| | <p>“Features: 90% Cotton, 10% Spandex.” “Andrew Christians New League Brief with Show-It Technology for Maximum Frontal Enhancement,” https://www.underwearnewsbriefs.com/2009/12/andrew-christians-new-league-brief-with-show-it-technology-for-maximum-frontal-enhancement/ (December 20, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>The ’218 Publication discloses elastically resilient four-way stretch material comprised of a spandex blend. <i>See, e.g.,</i></p> <p>“[0021] . . . The cover panel is made of a piece of elastic, ventilating cloth (cotton cloth or spandex-contained meshed cloth), having top and bottom ends respectively fixedly fastened to the waistband 13 and the crotch 14.”</p> |

| Claim 12 | Exemplary Disclosure in Prior Art |
|---|---|
| <p>[12] A garment according to claim 1, wherein the first seam is disposed forward of a perineum region of a wearer.</p> | <p>See above regarding claim 1.</p> <p>The ’058 Design discloses a garment wherein the first seam is disposed forward of a perineum region of a user. <i>See, e.g.,</i></p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 43 of 53**

Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Obviousness in View of Other Prior Art

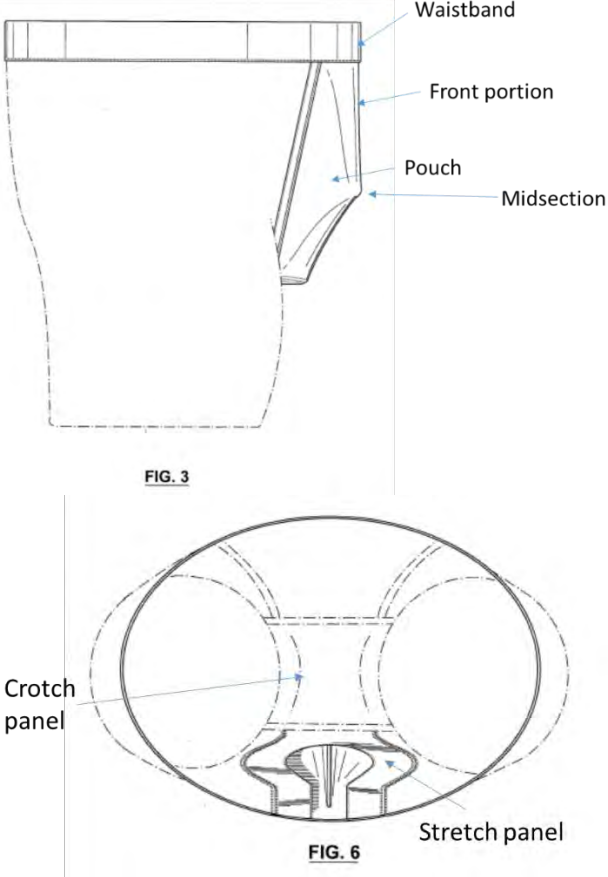
| Claim 12 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p>FIG. 3</p> <p>FIG. 6</p> <p>To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a garment wherein the first seam is disposed forward of a perineum region of a user, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of one or more prior art references to meet this limitation.</p> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art


| Claim 12 | Exemplary Disclosure in Prior Art |
|----------|---|
| | <p>The Andrew Christian Show-It Underwear is a garment wherein the first seam is disposed forward of a perineum region of a user. <i>See, e.g.,</i></p> <p>“The pouch” “Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p>  <p>“Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art


| Claim 12 | Exemplary Disclosure in Prior Art |
|----------|---|
| |  <p>“Underwear of the Week - Andrew Christian “Show-It” Line,” https://www.underwearnewsbriefs.com/2009/03/underwear-of-the-weekandrew-christian-show-it-line/ (March 11, 2009).</p> <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art

| Claim 12 | Exemplary Disclosure in Prior Art |
|----------|---|
| |  <p data-bbox="527 883 1856 954">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p>  <p data-bbox="527 1224 1856 1295">“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 47 of 53****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Obviousness in View of Other Prior Art**

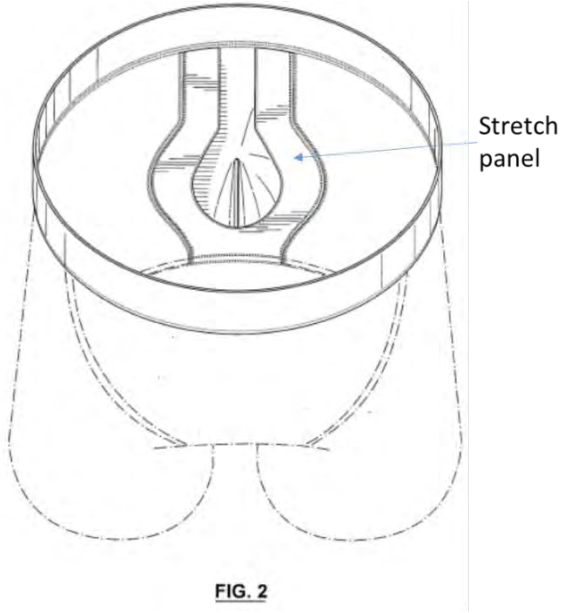
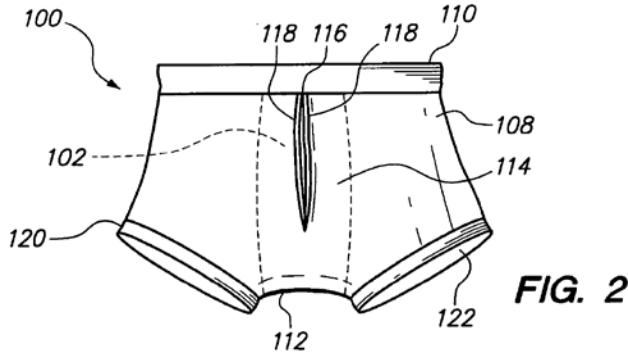
| Claim 14 | Exemplary Disclosure in Prior Art |
|--|---|
| <p>[14] A garment according to claim 1 wherein the stretch panel is formed from a single unitary piece of woven fabric.</p> | <p>See above regarding claim 1.</p> <p>The '058 Design discloses a stretch panel formed from a single unitary piece of fabric. <i>See e.g.,</i></p>  <p style="text-align: center;">FIG. 2</p> <p>To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a stretch panel formed from a single unitary piece of woven fabric, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of one or more prior art references to meet this limitation.</p> <p>The Andrew Christian Show-It Underwear's stretch panel is formed from a single unitary piece of woven fabric. <i>See, e.g.,</i></p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 48 of 53****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art**

| Claim 14 | Exemplary Disclosure in Prior Art |
|-----------------|--|
| | <p>“It combines a pouch and an elastic support panel. Your package fits into the pouch and the elastic panel provides lift, bringing your package up and out. At first, I was a little concerned with how comfortable this would be on the underside of my package. I was pleasantly surprised that if you have a roomy pouch and a soft elastic support panel, it is functional and great for extended and active wear. Andrew Christian’s Show-It collection is a terrific example of this.” “Stroking the Male Ego: Men’s Enhancement Underwear,” June 17, 2009.</p> <p>The ’874 Publication discloses a stretch panel [rear panel 114] formed from a single unitary piece of woven fabric [fabric 108]. <i>See e.g.</i>,</p>  <p>[0022] “In the preferred embodiment, fine 100% cotton jersey has been selected as the fabric 108 but it should be understood that any suitable fabric is acceptable.”</p> <p>[0024] “The rear panel 114 is also comprised of the fabric 108.”</p> |

| Claim 15 | Exemplary Disclosure in Prior Art |
|---|--|
| <p>[15] A garment according to claim 1 wherein the pouch comprises a dart seam</p> | <p>See above regarding claim 1.</p> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “’058 Design”) and/or Obviousness in View of Other Prior Art

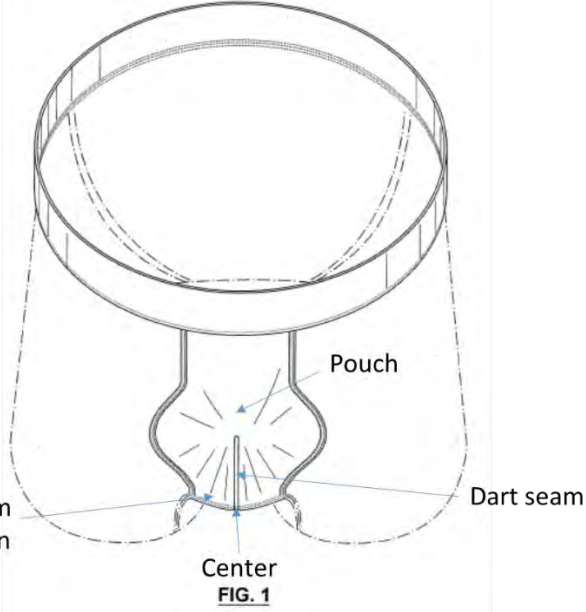
| Claim 15 | Exemplary Disclosure in Prior Art |
|--|--|
| <p>stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer.</p> | <p>The ’058 Design discloses a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p>  <p style="text-align: center;">FIG. 1</p> |

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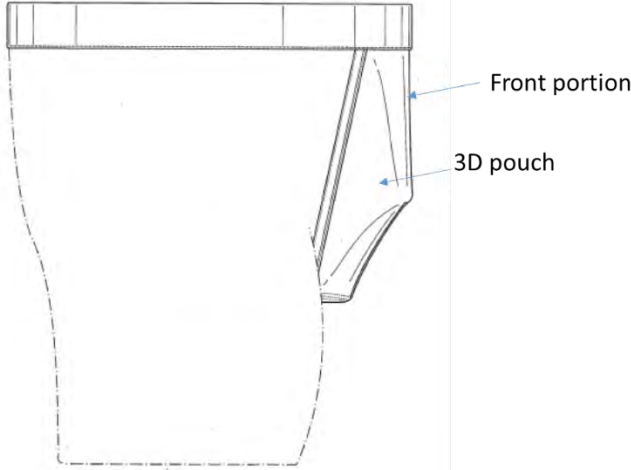
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|---|
| |  <p data-bbox="701 805 756 824">FIG. 3</p> <p data-bbox="522 878 1877 1092">To the extent Plaintiffs contend the '058 Design does not expressly, implicitly, or inherently disclose a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer, one of ordinary skill in the art would, based on one's knowledge and the '058 Design, understand how to modify the disclosure of the '058 Design to meet this limitation. Alternatively, one of ordinary skill could modify the '058 Design in view of one or more prior art references to meet this limitation. <i>See, e.g.,</i></p> <p data-bbox="522 1133 1829 1239">The Andrew Christian Show-It Underwear includes a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p> |

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Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art



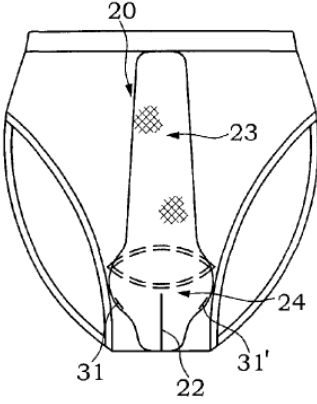
| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p>“Andrew Christian – Show – It Technology Brief,” https://www.underwearnewsbriefs.com/2009/03/andrew-christian-show-it-technology-brief/ (March 6, 2009).</p>  <p>“Review: Andrew Christian “Show-It” Boxer,” https://www.underwearnewsbriefs.com/2009/06/review-andrew-christian-%e2%80%9cshow-it%e2%80%9d-boxer/ (June 2, 2009)</p> <p>Furthermore, the ’571 Patent discloses the pouch comprises a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 52 of 53****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art**

| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|---|
| | <p>“Thus, in embodiments where pouch compartment 18 has at least two layers of material (an inner layer 18' and an outer layer 18"), seam 18a is formed along the medial plane B (orthogonal to plane A containing where seams 20 run along front walls 26) in the outer layer of material 18", and inner liner 18' is positioned behind outer layer 18" so as to be adjacent the genitalia. In a preferred embodiment, inner liner 18' does not have a seam in contact with phallus 16, and preferably not in contact with the head 16a of the phallus. Rather, the front of inner liner 18' is one continuous soft, light piece of the above mentioned elasticized mesh material extending continuously from and between its laterally opposite seams 26a. Thus the apex point, generally indicated at 18b, of the portion of the pear-shaped pouch 18 containing the head 16a of the penis, does not have vertical or other seam closely adjacent to irritate the head 16a. As seen in FIG. 9, inner liner 18' has at its rearmost end, that is, adjacent perineum 24, a pair of divergent tails which when joined along seam 18b' form a shelf-like tableau or plateau 18a' cradling the underside of scrotum 14. Forward of tableau 18a' inner liner 18' is seamless so as to not irritate head 16a of phallus 16 when resting naturally at apex point 18b. Thus it will be seen also that one advantage of using a boxer-style 60 brief is that the boxer-style provides improved room in the front for forming the pouch compartment, as compared to more constrictive styles of brief which pull relatively tightly in over the genitals.” (4:38-63)</p> <p>The '218 Publication discloses a pouch with a dart seam stitched along a bottom portion of the pouch and substantially centrally to provide extra volume in front of and underneath the genitals of a wearer. <i>See, e.g.,</i></p> <p>“[0022] FIGS. 2-5 show the first embodiment of the present invention. As illustrated, the cover panel 20 is an elongated piece of cloth, having a bottom center pleat 22 longitudinally upwardly extended from the bottom end thereof and two smoothly arched side flaps 21 and 21' symmetrically formed integral with two opposite lateral sides thereof near the bottom end. When fastened to the undergarment body 10, the upper part of the cover panel 20 defines with the undergarment body 10 a penis receiving space 23 above the opening 16 (see also FIG. 1) for receiving the user's penis, and the side flaps 21 and 21' define with the undergarment body 10a scrotum receiving space 24 below the opening 16 for receiving the user's scrotum. . . . Further, the border areas of the side flaps 21 and 21' are respectively stitched to the undergarment body 10, forming stitched lines 31 and 31' that hold the cover panel 20 in the center position against biasing.”</p> |

Exhibit G-2**Invalidity of U.S. Patent No. 9,687,030****Page 53 of 53****Either Anticipation By Canadian Industrial Design Registration No. 133058 (Registered and Published June 17, 2010) (the “058 Design”) and/or Obviousness in View of Other Prior Art**

| Claim 15 | Exemplary Disclosure in Prior Art |
|----------|--|
| |  <p data-bbox="674 735 762 776">Fig.3</p> |